

INDICTMENT

THE STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 2008-0065 CR

JAMES FRANKLIN BIBBS

INDICTMENT FOR THE OFFENSE OF:
PERJURY, 2 COUNTS MCA § 97-9-59

THE STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY

FILED

OCT 08 2008

LANE G. MARTIN, CIRCUIT CLERK
BY *[Signature]*

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 2008
Grand Jury Sworn and Empaneled October 6, 2008

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county and state, elected, summoned, empaneled, sworn and charged to inquire in and for the county aforesaid, at the term aforesaid, of the court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that:

COUNT I

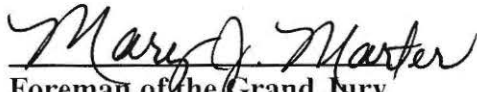
On or about or between September 22, 2008 and September 23, 2008, in Montgomery County, Mississippi, and within the jurisdiction of this Court, did wilfully, unlawfully, feloniously and corruptly swear, testify, or affirm falsely to a material matter while under oath, affirmation or declaration legally administered, by providing false answers to the Court to a material matter during the voir dire phase of the capital murder trial of the case of State of Mississippi Versus Curtis Giovanni Flowers, Montgomery County Cause Number 2003-0071-CR, in the Circuit Court of Montgomery County, Winona, Mississippi, by stating that he had no knowledge of the case other than knowledge he obtained through the news media when the truth is he had first-hand knowledge of the crime scene and/or the investigation, constituting a related series of acts or transactions or a common scheme or plan, in violation of Section 97-9-59 of the Mississippi Code Annotated of 1972, as amended, and against the peace and dignity of the State of Mississippi; and

COUNT II

On or about or between September 22, 2008 and September 23, 2008, in Montgomery County, Mississippi, and within the jurisdiction of this Court, did wilfully, unlawfully, feloniously and corruptly swear, testify, or affirm falsely to a material matter while under oath, affirmation or declaration legally administered, by providing false answers to the Court to a material matter

during the voir dire phase of the capital murder trial of the case of State of Mississippi Versus Curtis Giovanni Flowers, Montgomery County Cause Number 2003-0071-CR, in the Circuit Court of Montgomery County, Winona, Mississippi, by stating that he did not have a pre-conceived opinion about the case when the truth is he did infact have a pre-conceived opinion about the case, constituting a related series of acts or transactions or a common scheme or plan, in violation of Section 97-9-59 if the Mississippi Code Annotated of 1972, as amended, and against the peace and dignity of the State of Mississippi.

Endorsed: A TRUE BILL


Foreman of the Grand Jury


Assistant District Attorney

CAPIAS - CIRCUIT COURT

STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

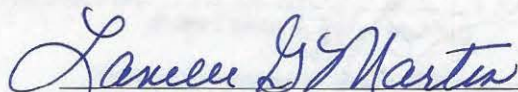
CAUSE NO. 2008-0065CR

To the Sheriff of Montgomery County - Greetings:

We command you to take **JAMES FRANKLIN BIBBS**, if to be found in your County, and he safely keep, so that you have his body before the Circuit Court of the County of Montgomery, in said State, at the Courtroom thereof in the City of Winona, Mississippi, at 9:00 A.M. on Thursday, October 9, 2008, then and there to answer the State of Mississippi on an Indictment this day found against him for **PERJURY (2 COUNTS)**.

Herein you shall fail not, and have then and there this Writ.

GIVEN under my hand and the Seal of said Court and issue this the 8th day of October, A.D., 2008.



LANELLE G. MARTIN, CLERK

Post office Box 765

Winona, MS 38967

By:




, D.C.

FILED

OCT 09 2008

LANELLE G. MARTIN, CIRCUIT CLERK





IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

IN RE: JAMES FRANKLIN BIBBS

This court finds that there is probable cause to believe that **JAMES FRANKLIN BIBBS** committed **PERJURY** on September 22-23, 2008, during voir dire in the trial of State of Mississippi versus Curtis Giovanni Flowers.

IT IS THEREFORE ORDERED AND ADJUDGED that **JAMES FRANKLIN BIBBS** be held in the custody of the Montgomery County Sheriff until such time as the Montgomery County Grand Jury may consider whether he should be indicted for **PERJURY**.

IT IS FURTHER ORDERED AND ADJUDGED that bond for **JAMES FRANKLIN BIBBS** is set at Twenty Thousand U.S. Dollars (\$20,000.00).


IT IS FURTHER ORDERED AND ADJUDGED that Honorable Lee Bailey is appointed to represent **JAMES FRANKLIN BIBBS**, pending a determination as to whether he is indigent.

SO ORDERED, this the 30th day of September, 2008.


CIRCUIT COURT JUDGE

FILED
OCT 10 2008

LANELLE G. MARTIN, CIRCUIT CLERK

BY 

FILED
SEP 30 2008

LANELLE G. MARTIN, CIRCUIT CLERK



Mississippi Bonding Company

13 SOUTH PRESIDENT ST.

Home Office: Jackson, MS 39201

Power Amount

Power No.

M-N^o 3181

KNOW ALL MEN BY THESE PRESENTS: That PAUL L. NEWMAN—MISSISSIPPI BONDING CO. has made, constituted and appointed and by these presents does make, constitute and appoint Vickie Baskin its true and lawful Attorney-In-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. The authority of such Attorney-In-Fact is limited to criminal appearance bonds only and cannot be construed to guarantee payment of fines, costs, alimony, wage claims, or any other financial obligation, nor delivery or immigration bonds. This appearance bond is executed this 1 day of October 2008 on behalf of James Bibbs, amount of bond \$ 20,000 given to Circuit court. Provided that the authority of such Attorney-In-Fact to bind the Company shall not exceed the sum of

Bond Amount \$ 20,000

and provided this Power-Of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-In-Fact is hereby authorized to insert this Power-Of-Attorney the name of the person on whose behalf this bond was given, the date executed, the court, and amount of bond.

THE POWER IS VOID IF ALTERED OR ERASED AND CAN ONLY BE USED ONCE.

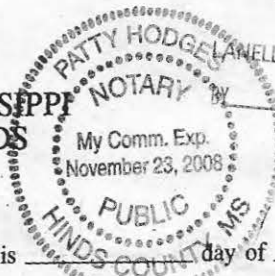
IN WITNESS WHEREOF, THAT PAUL L. NEWMAN MISSISSIPPI BONDING CO. has caused these presents to be signed by its authorized officer, proper for the purpose of its corporate seal to be hereunto affixed.

FILED

OCT 04 2008



STATE OF MISSISSIPPI
COUNTY OF HINDS



LANELLE G. MARTIN, CIRCUIT CLERK

By [Signature]

Sworn to and subscribed this _____ day of _____, 19____

WITNESS my hand and seal of office this _____ day of _____, 19____

Patty Hodges
Notary Public

Court and this bond becomes null and void. _____ deferred or non-adjudicated or any other _____ by law, or until the _____

SURETY:

PAUL NEWMAN

State License # 7801514

d/b/a Mississippi Bonding Co.

413 South President St. Su. 111

Jackson, MS. 39201

601-948-4088 FAX: 601-353-3295

APPROVED

this the 1st day of October, 2008

Y: Jay C. "Bully" Nix

This the 1st Day of October, 2008

James Bibbs Principal
Paul Newman / Vickie Baskin
Attorney in Fact

Soliciting Bail Agent Stamp:

VICKIE BASKIN
LIC # 9100136

FILED

OCT 10 2008

LANELLE G. MARTIN, CIRCUIT CLERK
BY [Signature]

FILED

OCT 04 2008

LANELLE G. MARTIN, CIRCUIT CLERK
BY [Signature]

10/06/2008
10:17:19

MONTGOMERY COUNTY
JUSTICE COURT AFFIDAVIT
ID: 2410

Page 1
Pg-JCAFP

Before me KAREN CARTER

A Justice Court Clerk or Judge of MONTGOMERY COUNTY

Came: DAN HEROD

Address:

WINONA MS 38967

Who being first duly sworn, makes oath that:

JAMES FRANKLIN BIBBS

WINONA MS 38967

of said county, on or about the 22 day of September, 2008

did willfully, unlawfully, feloniously and corruptly swear,
testify or affirm falsely to Juror questioning while under
oath legally administered in the Circuit Court of Montgomery
County at the Montgomery County Courthouse, said matter
being material to the Curtis Flowers Trial in Montgomery
County, Ms.

To wit: PERJURY

Statute: 97-9-59

against the peace and dignity of the State of Mississippi

Affiant: *D. H. Herod*

Sworn to and subscribed before me, this 06 day of October, 2008

Karen Carter

Justice Court Clerk / Judge

FILED

OCT 10 2008

LANELLE G. MARTIN, CIRCUIT CLERK

Lanelle G. Martin

FILED

OCT 06 2008

LANELLE G. MARTIN, CIRCUIT CLERK

Lanelle G. Martin

3/06/2009
10:36:13

MONTGOMERY COUNTY
JUSTICE COURT AFFIDAVIT
ID: 2410

Page 1
Pg-JCAFP

Before me KAREN CARTER

A Justice Court Clerk or Judge of MONTGOMERY COUNTY

Came: DAN HEROD
Address:

WINONA MS 38967

Who being first duly sworn, makes oath that:

JAMES FRANKLIN BIBBS

WINONA MS 38967

of said county, on or about the 22 day of September, 2008

did willfully, unlawfully, feloniously and corruptly swear,
testify or affirm falsely to Juror questioning while under
oath legally administered in the Circuit Court of Montgomery
County at the Montgomery County Courthouse, said matter
being material to the Curtis Flowers Trial in Montgomery
County, Ms.

To wit: PERJURY

Statute: 97-9-59

against the peace and dignity of the State of Mississippi

Affiant: _____

Sworn to and subscribed before me, this 06 day of October, 2008

Justice Court Clerk / Judge

MONTGOMERY COUNTY SHERIFF'S DEPARTMENT
PHONE: (662) 283-3343

ARREST REPORT

Case Number:

Name of Person Arrested: James Franklin Bibbs							Alias/Nickname: N/A			Arrest Date: 09-30-08		
Address of Suspect: [REDACTED] Winona, MS 38967							Occupation: N/A			Time: 06:00pm		
Social Security No.: [REDACTED]							Driver's License No.:			State:	Type:	Expires:
Age: 66	Race: B	Sex: M	Eyes:	Hair:	Height: 6-01	Weight: 215	Date of Birth: 06-15-1942	Place of Birth:		Tattoos: N/A		
Where Arrested: Montgomery County Courthouse							How Arrest Made: On View Warrant No. Warrant Date					
Offense(s) suspected or charged: Perjury												
Date offense committed: 09-22-08 and 09-23-08					Time:			Court: Montgomery Justice				
Where offense committed: Montgomery County Courthouse					Type Premises:			Business Trade Name:				
Armed: Yes <input checked="" type="checkbox"/> No					Check all items which apply. Type Weapon: <input type="checkbox"/> Drunk <input type="checkbox"/> Drinking <input type="checkbox"/> Cursed <input type="checkbox"/> Resisted <input type="checkbox"/> None							
Vehicle Involved	Year:	Make:	Model:	Style:	Color:	License Plate:	Exp.	Impounded: <input type="checkbox"/> No <input type="checkbox"/> Ye Where:				
Property placed in evidence room: None												
Name of Complainant:						Relationship of Complainant & Suspect – if any:						
Address of Complainant:								Best Phone:		Other Phone:		
Witnesses' Name(s): 1				Address:		Age:	Phone:		Guardian:			
2												
Note facts of arrest not included above. On the above date and time, the Montgomery Country Sheriff's Department was ordered by Circuit Court Judge Joseph H. Loper Jr., to place James Franklin Bibbs under arrest on the charge of Perjury and place him under a \$20,000.00 bond and declared that he would be bound over to the action of the grand jury. All occurred inside Montgomery County.												
Additional notes and comments:												
Attorney: N/A												
Next of Kin: N/A												
<div style="display: flex; justify-content: space-between; align-items: center;"><div>FILED OCT 10 2008 LANE G. MARTIN, CIRCUIT CLERK BY <i>[Signature]</i></div><div>Bond Amount: \$20,000.00 Court Date:</div></div>												
Arrestees' Rights Given By:						Time:			Location:			
Arresting Officer: HEROD SO-3						Report Made By: HEROD SO-3						

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

The Circuit Court of Montgomery County, Mississippi, having been duly opened on Thursday, October 9, 2008, with His Honor, Judge Clarence E. Morgan, III, Circuit Judge, Fifth Circuit Court District presiding, the following transaction of business was had, to-wit:

#2008-0065-CR, State v. JAMES FRANKLIN BIBBS, indicted on a charge of PERJURY, TWO COUNTS, was served a copy of the indictment and arraigned, waived reading of the indictment and entered a plea of not guilty. Hon. Robert McDuff, Attorney at Law, Jackson, Mississippi, appeared as retained counsel. Bond was set at \$20,000, and the case was continued until further order of the Court.

The Court does hereby Order that a copy of the within be both spread upon the Minutes of the Court and placed within this cause number file.

This the 9th day of October, 2008.


CIRCUIT JUDGE

FILED

OCT 09 2008

LANELLE G. MARTIN, CIRCUIT CLERK

BY 

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI**IN RE: JAMES FRANKLIN BIBBS**

This court finds that there is probable cause to believe that **JAMES FRANKLIN BIBBS** committed **PERJURY** on September 22-23, 2008, during voir dire in the trial of State of Mississippi versus Curtis Giovanni Flowers.

IT IS THEREFORE ORDERED AND ADJUDGED that **JAMES FRANKLIN BIBBS** be held in the custody of the Montgomery County Sheriff until such time as the Montgomery County Grand Jury may consider whether he should be indicted for **PERJURY**.

IT IS FURTHER ORDERED AND ADJUDGED that bond for **JAMES FRANKLIN BIBBS** is set at Twenty Thousand U.S. Dollars (\$20,000.00).

IT IS FURTHER ORDERED AND ADJUDGED that Honorable Lee Bailey is appointed to represent **JAMES FRANKLIN BIBBS**, pending a determination as to whether he is indigent.

SO ORDERED, this the 30th day of September, 2008.


CIRCUIT COURT JUDGE

FILED
SEP 30 2008

LANELLE G. MARTIN, CIRCUIT CLERK


IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO. 2008-0065-CR

JAMES FRANKLIN BIBBS

STATE'S RESPONSE TO REQUEST FOR DISCOVERY

THE OFFICE OF THE DISTRICT ATTORNEY HAS GIVEN A COPY OF THE ENTIRE CASE FILE CONSISTING OF 133 CONSECUTIVELY NUMBERED PAGES TO THE DEFENSE ATTORNEY, HONORABLE ROBERT McDUFF, ON NOVEMBER 4, 2008.

I. WITNESSES FOR THE STATE: All witnesses listed in the file, including but not limited to the following:

- (1) M/Sgt. Tim Pyles, Mississippi Bureau of Investigations
- (2) Jenni Bailey, 201 Fairground Street, Winona, MS
- (3) George Brown, Post Office Box 193, Duck Hill, MS
- (4) Cindy McBride, 73 Redell Drive, Winona, MS
- (5) Nancy Fly, Post Office Box 123, Duck Hill, MS
- (6) Lisa Branch, 129 Scotland Road, Winona, MS
- (7) Susie Wilson, 110 Woodman Road, Kilmichael, MS
- (8) Terry Woods, 255 Valley Hill Road, Duck Hill, MS
- (9) Orman Knox, Post Office Box 528, Winona, MS
- (10) Burnadette Braswell, 1699 Highway 51, Winona, MS
- (11) Joyce Henson, 148 Alva Stage Road, Kilmichael, MS
- (12) Rosemary Lancaster, Post Office Box 515, Duck Hill, MS
- (13) AT&T Records Custodian, P.O. Box 24679, West Palm Beach, Florida 33416

II. RECORDED STATEMENTS OF DEFENDANT TO LAW OFFICERS:

None known at this time.

III. CRIMINAL RECORD OF DEFENDANT FOR IMPEACHMENT/SENTENCING:

None known at this time.

IV. CRIME LAB REPORTS or TESTS:

Not Applicable at this time.

V. OFFICERS REPORTS, ETC.:

- (1) See pages 001 - 002 for a copy of the Indictment in this cause.

FILED

NOV 05 2008

LANELLE G. MARTIN, CIRCUIT CLERK

BY Mary Morgan D.C.

- (2) See pages 037 - 123 for telephone records.
- (3) See pages 124 - 126 for a Juror Information Questionnaire.

VI. PHYSICAL EVIDENCE/PHOTOGRAPHS:

- (1) See pages 012 - 023 for excerpts of the transcript.
- (2) See pages 024 - 036 for copies of vote sheets and tallies.

VII. EXCULPATORY EVIDENCE:

None known at this time.

VIII. WITNESS STATEMENTS:

- (1) See pages 003 - 005 for a statement provided by Jenni Bailey
- (3) See page 006 for a statement provided by George Brown.
- (4) See page 007 for a statement provided by Cindy McBride.
- (5) See page 008 for a statement provided by Nancy Fly.
- (6) See page 009 for a statement provided by Lisa Armstrong Branch.
- (7) See page 010 for a statement provided by Susie Wilson.
- (8) See page 011 for a statement provided by Terry Woods.
- (9) See page 127 for a statement provided by Rosemary Lancaster.
- (10) See page 128 for a statement provided by Burnadette Braswell.
- (11) See pages 129 - 133 for a statement provided by Joyce Henson.

CERTIFICATE OF SERVICE

I, Susan D. Denley, Attorney for the State of Mississippi, do hereby certify that I have this day caused to be delivered via United States Postal Mail a true and correct copy of the above and foregoing State's Response to Request for Discovery to the Honorable Robert McDuff at his usual business mailing address of 767 North Congress Street, Jackson, Mississippi 39202.

WITNESS MY SIGNATURE, on this the 4th day of November, 2008.


Susan D. Denley, Assistant District Attorney

OFFICE OF THE DISTRICT ATTORNEY

FIFTH CIRCUIT COURT DISTRICT
234 FIRST STREET
POST OFFICE BOX 1262
GRENADA, MISSISSIPPI 38902-1262

TELEPHONE (662) 226-8545
FAX (662) 227-9558

DOUG EVANS
DISTRICT ATTORNEY
SUSAN D. DENLEY
ASSISTANT DISTRICT ATTORNEY

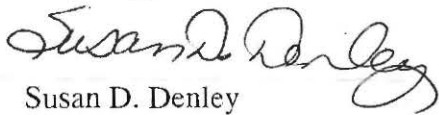
ATTALA, CARROLL, CHOCTAW,
GRENADA, MONTGOMERY, WEBSTER,
AND WINSTON COUNTIES

November 4, 2008

Dear Ms. Lanelle Martin, Circuit Clerk,

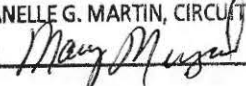
Enclosed please find for filing the cover-sheet of the State's Response to Request for Discovery in Montgomery County Cause Number 2008-0065-CR. Please provide a copy of the same once it is marked "Filed" and return it to me in the enclosed self-addressed postage-paid envelope. If you have any questions, please don't hesitate to contact me. Thank you for your time and have a blessed day.

Sincerely,



Susan D. Denley
Assistant District Attorney

FILED
NOV 05 2008

LANELLE G. MARTIN, CIRCUIT CLERK
BY  D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO. 2008-0065CR

JAMES FRANKLIN BIBBS

ORDER OF RECUSAL

THIS CAUSE having come on for hearing on the Court's motion for recusal, and with the Court being fully advised in the premises, the Court finds that, for good cause, the Court should recuse itself from presiding in this cause, and further finds it appropriate that the Mississippi Supreme Court should consider appointment of a Special Circuit Judge to preside in this cause.

IT IS THEREFORE ORDERED AND ADJUDGED that the Clerk of this Court shall forward a copy of this order to the Mississippi Supreme Court for its consideration in appointment of a Special Circuit Judge for the Fifth Circuit Court District to preside in this cause.


SO ORDERED AND ADJUDGED this the 5th day of January, 2009.

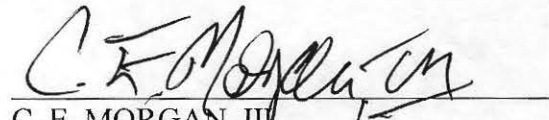
FILED

JAN 20 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY


JOSEPH H. LOPER, JR.
CIRCUIT COURT JUDGE


C. E. MORGAN, III
CIRCUIT COURT JUDGE

153204

IN THE SUPREME COURT OF MISSISSIPPI

No. 2009-AP-116



IN RE: *State of Mississippi*
v.
James Franklin Bibbs

NO. 2008-0065CR; In the Circuit Court of
Montgomery County, Mississippi

ORDER

THIS MATTER is before the Court upon request by the Judges for the Circuit Court of Montgomery County, Mississippi for the appointment of a special judge to preside over the proceedings in the above numbered and styled cause, which is presently pending in the Circuit Court of Montgomery County, Mississippi. This request is necessitated by the recusal of the Judges for said Court by virtue of an Order of Recusal executed in said case on January 5, 2009.

Having fully considered the matter, the Court finds that the request is proper pursuant to Miss. Code Ann. Section 9-1-105.

IT IS THEREFORE ORDERED AND ADJUDGED that the Honorable Margaret Carey-McCray, Judge of and for the Fourth Circuit Court District, be, and she is, hereby specially appointed Special Judge to preside and conduct proceedings in the above referenced case pursuant to and by authority of Mississippi Code Ann. Section 9-1-105.

IT IS FURTHER ORDERED that the Clerk of this Court transmit copies of this order to the Honorable Margaret Carey-McCray, Special Judge; the Honorable Joseph H. Loper, Jr., and the Honorable Clarence E. Morgan, III, Judges of and for the Circuit Court of Montgomery County; and, to the Clerk of the Circuit Court of Montgomery County, who is directed to file this Order and deliver copies to all counsel of record in said case.

SO ORDERED this the 28th day of January, 2009.

FILED
JAN 30 2009

William L. Waller, Jr.
WILLIAM L. WALLER, JR., CHIEF JUSTICE

LANELLE G. MARTIN, CIRCUIT CLERK
BY *Freddie D. Martin*

MONTGOMERY CO. CIRCUIT COURT MINUTE BK 55 PG 549

2008-0065 CR

15 3605

IN THE SUPREME COURT OF MISSISSIPPI

No. 2009-AP-116

FILED

FEB 20 2009

Office of the Clerk
Supreme Court
Court of Appeals

IN RE:

State of Mississippi

v.

James Franklin Bibbs

**NO. 2008-0065CR; In the Circuit Court of
Montgomery County, Mississippi**

ORDER

THIS MATTER is before the Court upon the request by Judge Margaret Carey-McCray, Judge of and for the Fourth Circuit Court District, for the appointment of a substitute Special Judge to preside over the proceedings in the above numbered and styled cause, which is presently pending in the Circuit Court of Montgomery County, Mississippi. This request is necessitated by the recusal of the Judge for said Court by virtue of an Order of Recusal executed in said case on February 6, 2009.

Having fully considered the matter, the Court finds that the request is proper pursuant to Miss. Code Ann. Section 9-1-105.

IT IS THEREFORE ORDERED AND ADJUDGED that the Honorable Jannie M. Lewis, Judge of and for the Twenty First Circuit Court District, be, and she is, hereby specially appointed Special Judge to preside and conduct proceedings in the above referenced case pursuant to and by authority of Mississippi Code Ann. Section 9-1-105; and the order appointing Honorable Margaret Carey-McCray as Special Judge dated January 28, 2009, is hereby vacated.

IT IS FURTHER ORDERED that the Clerk of this Court transmit copies of this order to the Honorable Jannie M. Lewis, Special Judge; the Honorable Margaret Carey-McCray, Judge of and for the Fourth Circuit Court District; the Honorable Joseph H. Loper, Jr.; and the Honorable Clarence E. Morgan, III, Judges of and for the Circuit Court of Montgomery County; and, to the Clerk of the Circuit Court of Montgomery County, who is directed to file this Order and deliver copies to all counsel of record in said case.

SO ORDERED this the 19th day of February, 2009.

FILED

FEB 23 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY _____ D.C.

William L. Waller, Jr.

WILLIAM L. WALLER, JR., CHIEF JUSTICE

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO. 2008-0065-CR

JAMES FRANKLIN BIBBS

STATE'S SUPPLEMENTAL DISCOVERY DISCLOSURES

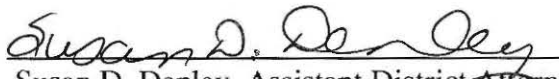
THE OFFICE OF THE DISTRICT ATTORNEY HAS GIVEN A COPY OF THE ENTIRE CASE FILE TO THE DEFENSE ATTORNEY, HONORABLE ROBERT McDUFF. THE STATE NOW PROVIDES THE FOLLOWING ADDITIONAL DISCOVERY DISCLOSURES:

- (1) The official transcript of the voir dire of the State versus Curtis Flowers trial consisting of three volumes with consecutively numbered pages 1 - 396.

CERTIFICATE OF SERVICE

I, Susan D. Denley, Attorney for the State of Mississippi, do hereby certify that I have this day caused to be delivered via United States Postal Mail a true and correct copy of the above and foregoing State's Supplemental Discovery Disclosures to the Honorable Robert McDuff at his usual business mailing address of 767 North Congress Street, Jackson, Mississippi 39202.

WITNESS MY SIGNATURE, on this the 23rd day of February, 2009.


Susan D. Denley, Assistant District Attorney

FILED

FEB 26 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY



OFFICE OF THE DISTRICT ATTORNEY

FIFTH CIRCUIT COURT DISTRICT
234 FIRST STREET
POST OFFICE BOX 1262
GRENADA, MISSISSIPPI 38902-1262

TELEPHONE (662) 226-8545
FAX (662) 227-9558

DOUG EVANS
DISTRICT ATTORNEY
SUSAN D. DENLEY
ASSISTANT DISTRICT ATTORNEY

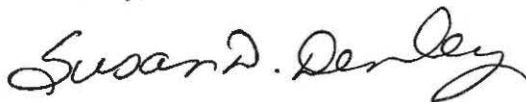
ATTALA, CARROLL, CHOCTAW,
GRENADA, MONTGOMERY, WEBSTER,
AND WINSTON COUNTIES

February 23, 2009

Dear Ms. Lanelle Martin, Circuit Clerk,

Enclosed please find for filing the cover-sheet of the State's Supplemental Discovery Disclosures in Montgomery County Cause Numbers 2008-0065-CR as well as 2008-0064-CR. I have enclosed a copy of the same and would request that you stamp it filed and return it to me in the self-addressed postage-paid envelope which I have enclosed for your convenience. If you have any questions, please don't hesitate to contact me. Thank you for your time and have a blessed day.

Sincerely,

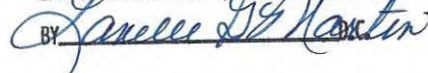


Susan D. Denley
Assistant District Attorney

FILED

FEB 26 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY 



Lanelle G. Martin
Montgomery County Circuit Clerk

614 Summit Street
P. O. Box 765
Winona, MS. 38967
Telephone (662) 283-4161
Fax (662) 283-3363

March 6, 2009

Honorable Jannie M. Lewis, Judge
Twenty-First Circuit Court District
Post Office Box 149
Lexington, MS 39095

RE: *State of Mississippi v. Mary Annette Purnell*
Montgomery Circuit - No. 2008-0064CR

State of Mississippi v. James Franklin Bibbs
Montgomery Circuit - No. 2008-0065CR

Dear Judge Lewis:

Per your request, I am enclosing herewith copies of the two files referred above.

You will note that I have flagged a document in the *Bibbs* case. The first page of that document has nothing but the signatures of the affiant and the justice court clerk and filing dates. The second page is the legible document itself, without signatures. My file copy of the Justice Court Affidavit was so dim that it would not copy on my copier. The justice court clerk ran me a copy from her records.

I look forward to working with you on these two cases. If you need anything else or have any questions, please do not hesitate to call me.

Yours very truly,

MONTGOMERY COUNTY CIRCUIT COURT

Lanelle G. Martin, Clerk

/lgm

Enclosures

c: 2008-0064CR

2008-0065CR

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. 2008-0065 CR

JAMES FRANKLIN BIBBS

DEFENDANT

ORDER

This matter is before the Court on an Order Setting Trial. This Court finds that the trial of this matter shall be set for July 8, 2009 at 9:00 a. m. at the Montgomery County Circuit Court.

The Circuit Clerk of Montgomery County shall summons 200 citizens of Montgomery County to serve as potential jurors in this matter.

Ordered this the 24 day of March, 2009.

Jamie Ellis
CIRCUIT JUDGE

FILED

MAR 26 2009

LAVELLE G. MARTIN, CIRCUIT CLERK

BY Lavelle G. Martin

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

MOTION TO DISMISS AND QUASH THE INDICTMENT AND DEMURRER

This case stems from the fact that the defendant, James Bibbs, was a juror in the fifth trial of the controversial capital murder case of Curtis Flowers in Montgomery County. Mr. Flowers is an African-American man accused of the murder of four people during the robbery of a furniture store in Montgomery County. Mr. Flowers was convicted and given the death penalty in the first two trials, and each of those convictions was reversed for prosecutorial misconduct. *State v. Flowers*, 773 So. 2d 309, 317 (Miss. 2000) ("Flowers I"); *State v. Flowers*, 842 So. 2d 531, 538 (Miss. 2003) ("Flowers II"). He was convicted and given the death penalty in the third trial, and that conviction was reversed because of a *Batson v. Kentucky* violation by the prosecutor. *State v. Flowers*, 947 So. 2d 910, 916, 923-31 (Miss. 2007) ("Flowers III"). In the fourth trial, the prosecution decided not to seek a death sentence, and the jury deadlocked on the question of guilt, with seven jurors voting guilty and five voting not guilty, resulting in a mistrial. In the fifth trial, the prosecution announced that it once again would seek a death sentence. Once again, the jury deadlocked on the question of guilt and once again a mistrial was declared. The vote in the fifth trial was eleven for guilty and one for not guilty.

FILED

MAY 26 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY *Lanelle G. Martin*

The one juror voting not guilty at the fifth trial was James Bibbs. Shortly after the trial, Mr. Bibbs was indicted in the present case for two counts of perjury by the same District Attorney's office (the office of the District Attorney for the Fifth Circuit Court District) that prosecuted the Flowers case and that had seen its prosecutorial efforts result in three reversals and two mistrials. The judges in that district, both of whom had served as trial judges in the various Flowers trials, properly recused themselves from any proceedings in the present case. The Chief Justice appointed the Hon. Jannie Lewis, from a different circuit court district, to preside in this case.

Count I of the indictment in this case alleges that Mr. Bibbs committed perjury while answering questions during the voir dire phase of the fifth Flowers trial "by stating that he had no knowledge of the case . . . when the truth is he had first-hand knowledge of the crime scene and/or the investigation" Count II of the indictment also charges him with perjury during the voir dire "by stating that he did not have a pre-conceived opinion about the case when the truth is he did have a pre-conceived opinion about the case" (A copy of the indictment is attached as Exhibit A).

These charges are frivolous and the indictment should be dismissed and quashed. There is a significant danger when a prosecutor's office does what has been done here --- indicting a holdout juror because the juror did not vote the prosecution's way in a criminal case. This can chill jurors in the future from voting their honest convictions. This raises the specter that a juror is being punished for concluding there was reasonable doubt and for

voting to acquit. This is particularly true in the rare circumstances of this case, where the prosecution undoubtedly has been frustrated by its unsuccessful effort to secure a valid conviction even though it has tried in five different trials.

In this sort of situation, the courts must take precautions to insure that a holdout juror is not improperly forced to stand trial for his actions as a juror. The justice system suffers if that happens, even if the former juror ultimately is acquitted. Simply holding the trial can send a message to future potential jurors that if they do not vote for the prosecution in a future case, they could find themselves on trial facing charges. Thus, a court sitting in a case like this must insure that there is a substantial basis for the charges before a former juror can be put on trial. Moreover, the court must take steps to preclude any sort of conflict of interest on the part of the prosecutor's office and must diligently uphold the principles of due process of law and the relevant rules, statutes, and precedents. For a number of reasons that are discussed in the remainder of this motion, the indictment here must be dismissed.

The Charges Here Are Without Foundation, and There Is Not
a Sufficient Basis for Putting a Former Juror on Trial for His Actions as a Juror

The record and the discovery in this case demonstrate that the charges against Mr. Bibbs are baseless. The first count claims Mr. Bibbs "stat[ed] that he had no knowledge of the case . . . when the truth is he had first-hand knowledge of the crime scene and/or the investigation." However, Mr. Bibbs was never asked during voir dire by anyone — including the District Attorney's office, the defense counsel, or the trial judge — if he had knowledge of the case. As the voir dire transcript demonstrates, Mr. Bibbs was asked about

media reports, but never about whether he did or did not have knowledge of the case. As the United States Court of Appeals for the Eighth Circuit said when reversing a contempt conviction of a holdout juror for allegedly lying during voir dire, "jurors, ignorant of voir dire procedure, are to be held to the question asked, and not to some other question that should have been asked." *In Re Mossie* 768 F.2d 985, 986 (8th Cir. 1985), quoting, *United States v. Rhodes*, 556 F.2d 599, 601 (1st Cir. 1977). On this basis alone, the first count is defective.

There is also an accusation in the first count that Mr. Bibbs had "first-hand knowledge of the crime scene and/or the investigation." The written post-trial statements of other jurors contained in the discovery demonstrate that this is based on (1) statements by Mr. Bibbs during jury deliberations that on the day of the murder, he was visiting in a friend's shop in a building on a street behind the furniture store where the murder occurred, and never saw the police back there, and (2) statements by Mr. Bibbs that the evidence in the furniture store had been planted (or as one of the follow jurors explained, Mr. Bibbs said "maybe" it was planted). As to the first of these, neither the District Attorney's office nor anyone else told Mr. Bibbs or the venire during voir dire that the investigation allegedly encompassed not only the furniture store, but the street and shops behind it. And no one ever asked him or any of the other venire members during voir dire if they were in the downtown Winona area that day or anywhere near the furniture store. Mr. Bibbs had no way of knowing during voir dire that by being in a shop behind the furniture store that day, he somehow had what the indictment

now calls “knowledge of the case” or “first-hand knowledge of the crime scene and/or the investigation.” He never was asked if he had knowledge of the case, but even if he had been, he would have had no reason to answer yes. As to the second of these, Mr. Bibbs could not have “knowledge” that evidence was planted “at the crime scene” unless it actually was planted. Since the District Attorney’s office relied on that evidence in its effort to convict Curtis Flowers, that office presumably does not take the position that the evidence was planted. Thus, any statements he made during deliberations about the planting of evidence — whether he said “maybe” it was planted or whether he said he “knew” it was planted (just as someone might say “I know so-and-so is lying” even if they don’t literally know it and only believe it) --- do not constitute “knowledge of the case” or “knowledge of the crime scene and/or investigation.”

With respect to the second count, which claims he “had a pre-conceived opinion about the case,” there is nothing beyond speculation to show that Mr. Bibbs had a pre-conceived opinion about the case. Although the other jurors ended up voting for guilt, his contrary decision does not mean he had a pre-conceived opinion. Indeed, in the fourth trial — the one that occurred prior to the trial in which Mr. Bibbs was a juror — five jurors voted not guilty, each of whom apparently assumed there was at least a reasonable doubt. So Mr. Bibbs is not the only person who has had a reasonable doubt about Curtis Flowers’ guilt after listening to the evidence. Mr. Bibbs’ disagreements with his fellow jurors after hearing all of the evidence at trial — no matter how unreasonable they thought he was being for not agreeing

them — do not mean he had a pre-conceived opinion. *See, United States v. Thomas*, 116 F.3d 606, 622 (2nd Cir. 1997) (“The group of jurors favoring conviction may well come to view the ‘holdout’ or ‘holdouts’ not only as unreasonable, but as unwilling to follow the court’s instructions on the law.”). Indeed, if this charge is allowed to stand, it will mean that any juror who disagrees with the overwhelming majority of the others can potentially be prosecuted for having a pre-conceived opinion, particularly in a controversial high-profile trial or in a case in a small town where news travels fast.

In *United States v. Thomas*, the United States Court of Appeals for the Second Circuit was reviewing a case where a juror had been discharged by the trial judge during deliberations because the trial judge believed, on the basis of statements from other jurors, that the particular juror had decided to ignore the law and vote for acquittal no matter the evidence “because of preconceived . . . reasons that are totally improper and impermissible.” 116 F. 3d at 612. The Court of Appeals reversed and said the juror should not have been discharged. The Court noted that “the secrecy of the deliberative process . . . lies at the heart of our system of justice,” *id.* at 619, and said that “[t]he need to protect the secrecy of jury deliberations begins to limit the court’s investigatory powers where the asserted basis for a deliberating juror’s possible dismissal is the juror’s alleged bias or partiality in joining or not joining the views of his colleagues.” *Id.* at 620-621. The Court of Appeals explained that in light of this principle, it would adopt the same test used by another federal Court of Appeals for deciding whether a juror should properly be discharged:

[I]f the record evidence discloses *any possibility* that the request to discharge stems from the juror's view of the sufficiency of the government's evidence, the court must deny the request.

Thomas, 116 F.3d at 621-622 (emphasis added), *quoting United States v. Brown*, 823 F.2d 591, 596 (D.C. Cir. 1987). The Second Circuit restated the test as follows:

[I]f the record raises *any possibility* that the juror's views on the *merits of the case*, rather than a purposeful intent to disregard the court's instructions, underlay the request that he be discharged, the juror must not be dismissed.

Thomas, 116 F.3d at 622 n. 11 (first emphasis added, second emphasis in original). The Court added:

A presiding judge faced with anything but unambiguous evidence that a juror refuses to apply the law as instructed need go no further in his investigation of the alleged nullification; in such circumstances, the juror is not subject to dismissal on the basis of his alleged refusal to follow the court's instructions.

Id. at 622.

The principle adopted by these United States Courts of Appeals is even more important here, where the issue is not simply whether a juror should be discharged but whether he should stand trial for a felony as a result of his actions as a juror. If a trial judge in the underlying trial must have "unambiguous evidence" before breaching the secrecy of the jury and investigating a juror's conduct, surely that sort of evidence must exist before a juror can be forced to stand trial himself. If there is "any possibility" that the juror here, Mr. Bibbs, was acting because of his views on the merits of the case, rather than some "pre-conceived opinion," the charges must be dismissed.

As stated earlier, the charges against Mr. Bibbs are clearly insubstantial. The voir dire

transcript contradicts the charges and the discovery does not support them. While some of his fellow jurors speculate about Mr. Bibbs, that is not the sort of evidence that is necessary to force him to stand trial. As the Court said in the *Thomas* decision:

Consider a case where, for example, a strong majority of the jury favors conviction, but a small set of jurors-perhaps just one-disagrees. The group of jurors favoring conviction may well come to view the "holdout" or "holdouts" not only as unreasonable, but as unwilling to follow the court's instructions on the law. The evidentiary standard that we endorse today-that "if the record evidence discloses any possibility that" a complaint about a juror's conduct "stems from the juror's view of the sufficiency of the government's evidence, the court must deny the request"-serves to protect these holdouts from fellow jurors who have come to the conclusion that the holdouts are acting lawlessly.

116 F.3d at 622.

Accordingly, in this unusual case, where the mere fact of a trial will cause damage to Mr. Bibbs and the justice system, and where the basis for the charges is so insubstantial, the indictment should be dismissed.

The District Attorney's Office Obtained the Indictment Despite a Conflict of Interest: It Had a Personal Stake in the Case, It Was a Participant in the Relevant Events, and Its Own Actions as a Participant Call into Question the Validity of the Charges

Just as it would be improper for a District Attorney to seek an indictment of someone he thought had cheated him out of money, or with whom he had a fight, it was improper here for the office of District Attorney Doug Evans to seek an indictment of Mr. Bibbs as the result of his conduct as a juror. The office instead should have recused itself and turned the matter over to the Attorney General or another District Attorney's office to investigate and to determine whether there was a sufficient basis to seek an indictment of a juror for perjury.

Mr. Bibbs was the sole not guilty vote in the Flowers case and his vote prevented the District Attorney's office from obtaining the conviction that it sought through five trials. That office had a stake in winning the Flowers case and Mr. Bibbs prevented them from doing that. Moreover, Mr. Bibbs is accused of perjury in his answers to voir dire questions. Whether an answer is dishonest often depends on the nature of the questions asked. Part of the voir dire was conducted by the District Attorney's office and one of the issues in this case is whether the District Attorney's questions were sufficiently specific to make Mr. Bibbs' answers a crime. This makes the District Attorney a witness, and also makes his office a participant whose actions call into question the validity of the charges in this case. One of the key defenses in this case is that the District Attorney failed to ask the questions that his office now claims Mr. Bibbs answered falsely.

For example, Count One of the indictment contends that Mr. Bibbs lied during the voir dire by allegedly "stating that he had no knowledge of the case . . . when the truth is he had first-hand knowledge of the crime scene and/or the investigation" As noted previously, the voir dire transcript shows that the District Attorney's office never asked Mr. Bibbs if he had knowledge of the case. In addition, neither the trial judge nor the defense counsel asked Mr. Bibbs if he had knowledge of the case. The discovery indicates that this alleged "knowledge of the crime scene and/or investigation" was due to the fact that Mr. Bibbs, in the jury room, stated that on the day of the crime, he had been in the lawn mower repair shop behind the furniture store where the crime occurred and had not seen the police

back there investigating.¹ But neither the District Attorney's office nor anyone else told the potential jurors during voir dire that the "crime scene and/or investigation" allegedly included the businesses or buildings behind the furniture store, even though they easily could have done so. Thus, the actions of that office in conducting voir dire are intertwined with the validity of the charges in this case.

Moreover, by seeking the indictment itself rather than allowing another office to conduct an objective evaluation, the District Attorney's office has raised the inevitable question of whether it sought the indictment because of improper motives rather than because of the evidence. As explained in this brief, there is no evidence to support the charges in this indictment, which suggests that the indictment could not have been based upon an objective evaluation. Further, the history of this case is characterized by a litany of prosecutorial misconduct. The first three trials resulted in convictions but each was reversed for misconduct --- the first two relating to improprieties during the presentation of evidence and the third relating to a *Batson* violation. If the District Attorney's office was willing to engage in repeated misconduct in order to obtain a conviction and death sentence against Mr. Flowers, there is a significant possibility that, in its frustration over failing to secure a valid

¹ The only other possible theory of alleged "first-hand knowledge of the crime scene" would be Mr. Bibbs' purported statements in the jury room that some of the evidence in the furniture store was planted. (Or as one of the fellow jurors explained it, Mr. Bibbs said "maybe the evidence . . . had been planted"). Of course, there can be no "first-hand knowledge" that evidence was planted unless, in fact, the evidence actually had planted. Presumably, since the District Attorney's office relied on that evidence in his effort the convict Curtis Flowers, that office does not take the position that the evidence was planted. Therefore, this cannot constitute the "first-hand knowledge" that the District Attorney's office alleges in the indictment.

conviction after five trials, it may have indicted Mr. Bibbs in retaliation for being the lone vote for acquittal in the last trial. This is particularly so in light of the weakness of the charges. Accordingly, there is at least an appearance of impropriety that requires dismissal of this indictment.² As the Louisiana Supreme Court stated in *State v. King*, 956 So.2d 562, 569 (La. 2007):

It is conceivable that the district attorney's continued prosecution of the charge against defendant could be seen by the public as a personal desire for retaliation and retribution This personal interest in the cause calls into question the district attorney's ability to conduct defendant's trial fairly and impartially.

Also, the fact that this indictment was obtained by the District Attorney's office that prosecuted Mr. Flowers could have a chilling effect on jurors in the present case. Mr. Bibbs was the lone holdout juror in the Flowers murder case, which was tried by that office, and he subsequently was indicted by the same office. This could send a message to jurors in the present case that if they do not vote with the District Attorney's office, they too could find themselves indicted by that office. In order to minimize the potential for that sort of fear, this

² Rule 1.7(b) of the Mississippi Rules of Professional Conduct states that "[a] lawyer shall not represent a client if the representation of that client may be materially limited by . . . the lawyer's own interests unless the lawyer reasonably believes: (1) the representation will not be adversely affected" Of course, a prosecution's representation of the people of his district does not mean he should file and try to win every case he can. Instead, his job includes objectively evaluating the evidence and deciding whether to prosecute in the first place. See, *Buckley v. Fitzsimmons*, 509 U.S. 259, 273 (1993). Moreover, a prosecutor is both an administrator of justice and an advocate whose duty is to seek justice, not merely to convict. ABA Standards for Criminal Justice, Prosecution Function Standards (3rd Ed.), 3-1.2. The pursuit of justice means people should not be prosecuted if the evidence demonstrates they have not committed a crime. If a prosecutor's personal involvement in a case threatens to affect his objectivity in evaluating the merits of a case, and in seeking justice, then his representation of the people in his district is materially limited and is adversely affected, and Rule 1.7(b) requires him to step aside before going forward with an indictment.

indictment must be dismissed and any new indictment be brought by a different office which is independent of that office and which conducts an independent evaluation of the case.

Prior to the indictment, the undersigned informed District Attorney Evans that he and his office had a conflict and should turn this matter over to the Attorney General rather than seek an indictment themselves in a case in which they had an interest. (Exhibit B to this motion). Unfortunately, the District Attorney's office forged ahead and obtained the indictment anyway. By doing so under the circumstances of this case, the District Attorney's office has acted improperly and has created an appearance of impropriety no different than if that office had indicted someone for allegedly cheating the District Attorney out of money he claimed was his, or had indicted someone with whom the District Attorney had a fight where there is a question as to who started the fight. This is a classic conflict of interest. In such circumstances, the District Attorney's office should have recused itself from participation and the matter should have been referred to the Attorney General or to a District Attorney from another district to evaluate whether an indictment was appropriate and to act accordingly. Because that was not done, the indictment must be dismissed.³

³ This is in contrast to the Judges of the Fifth Circuit Court District, each of whom sat as the trial judge in one or more of the Flowers trials, and who recused themselves from this case. It also is in contrast to the course which properly was followed in the case styled *In the Matter of Anita Carol Pearson and Glenn White*, Misc. No. 2009-011 (Cir. Ct, Pearl River Cty.). When the District Attorney in Pearl River County, Hal Kittrell, was informed that he would be a witness regarding a particular matter, he promptly stepped aside and did not consider whether to seek an indictment. Instead, he filed a motion stating that he had "no choice but to recuse both himself and his office from further prosecution in this matter." The Circuit Court agreed and ordered the office recused and appointed the Mississippi Attorney General as special prosecutor to determine whether the case should go forward. (The motion and order are attached as Exhibits

The District Attorney's Office Has Commenced A Vindictive Prosecution

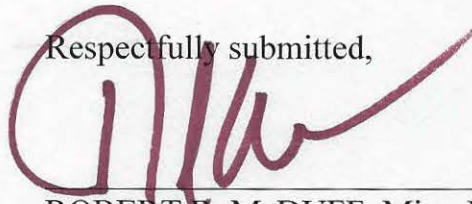
As indicated in the previous section, the role of the District Attorney's office in securing this indictment raises an appearance of retaliatory motive. If the Court dismisses the indictment because of that appearance, or any of the other grounds previously raised, it need not address the question of whether that office's motive actually was retaliatory. However, in the event the Court does not dismiss the indictment on other grounds, we raise the issue of vindictive prosecution. The District Attorney's office is prosecuting the only juror to vote not guilty in the Office's fifth attempt to convict Mr. Flowers. Rather than recuse itself and allow the Attorney General to evaluate the merits of the case, the District Attorney's office sought--and secured--an indictment against Mr. Bibbs, the holdout juror. This is despite the fact that the record plainly contradicts the claim that Mr. Bibbs alleged during *voir dire* that he had no knowledge of the case. These facts, as well as the prior misconduct of the District Attorney's office in the Flowers case, lead to the conclusion that this has decided to retaliate against Mr. Bibbs for his decision not to join the other jurors and convict Mr. Flowers. This sort of retaliatory prosecutions violate the guarantee of due process of law. *North Carolina v. Pearce*, 395 U.S. 711 (1969).

This motion is brought under the due process clause of the Fourteenth Amendment to the United States Constitution, Article 3, §§ 14 and 26 of the Mississippi Constitution, and

C and D). As indicated by the Miscellaneous case number attached to the motion and order, no indictment had issued. The matter was turned over to the Mississippi Attorney General's office to evaluate the case and determine whether the evidence justified an indictment.

Miss. R. Prof. Conduct 1.7 and 3.7.

Respectfully submitted,

A handwritten signature in red ink, appearing to be 'R. McDuff', written over a horizontal line.

ROBERT B. McDUFF, Miss. Bar No. 2532

SIBYL C. BYRD, Miss. Bar No. 100601

767 North Congress Street

Jackson, Mississippi 39202

(601) 969-0802

Counsel for the Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being delivered by first-class mail, postage prepaid, and has been sent by electronic mail to:

District Attorney Doug Evans

(email: evansda@ayrix.net).

Assistant District Attorney Susan Denley

(email: sdenley5ada@hotmail.com)

P.O. Box 1262

Grenada, Mississippi, 38902-1262

This the 21 day of May, 2009.

A handwritten signature in red ink, appearing to be 'R. H.', is written over a horizontal line.

Counsel for the Defendant

INDICTMENT

THE STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 2008-0065 CR

JAMES FRANKLIN BIBBS

INDICTMENT FOR THE OFFENSE OF:
PERJURY, 2 COUNTS MCA § 97-9-59

THE STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY

FILED

OCT 6 8 2008

LANCELE G. MARTIN, CIRCUIT CLERK

[Signature]

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 2008
Grand Jury Sworn and Empaneled October 6, 2008

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county and state, elected, summoned, empaneled, sworn and charged to inquire in and for the county aforesaid, at the term aforesaid, of the court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that:

COUNT I

On or about or between September 22, 2008 and September 23, 2008, in Montgomery County, Mississippi, and within the jurisdiction of this Court, did wilfully, unlawfully, feloniously and corruptly swear, testify, or affirm falsely to a material matter while under oath, affirmation or declaration legally administered, by providing false answers to the Court to a material matter during the voir dire phase of the capital murder trial of the case of State of Mississippi Versus Curtis Giovanni Flowers, Montgomery County Cause Number 2003-0071-CR, in the Circuit Court of Montgomery County, Winona, Mississippi, by stating that he had no knowledge of the case other than knowledge he obtained through the news media when the truth is he had first-hand knowledge of the crime scene and/or the investigation, constituting a related series of acts or transactions or a common scheme or plan, in violation of Section 97-9-59 of the Mississippi Code Annotated of 1972, as amended, and against the peace and dignity of the State of Mississippi; and

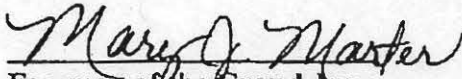
COUNT II

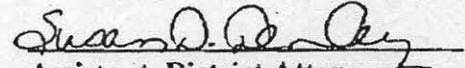
On or about or between September 22, 2008 and September 23, 2008, in Montgomery County, Mississippi, and within the jurisdiction of this Court, did wilfully, unlawfully, feloniously and corruptly swear, testify, or affirm falsely to a material matter while under oath, affirmation or declaration legally administered, by providing false answers to the Court to a material matter



during the voir dire phase of the capital murder trial of the case of State of Mississippi Versus Curtis Giovanni Flowers, Montgomery County Cause Number 2003-0071-CR, in the Circuit Court of Montgomery County, Winona, Mississippi, by stating that he did not have a pre-conceived opinion about the case when the truth is he did infact have a pre-conceived opinion about the case, constituting a related series of acts or transactions or a common scheme or plan, in violation of Section 97-9-59 if the Mississippi Code Annotated of 1972, as amended, and against the peace and dignity of the State of Mississippi.

Endorsed: A TRUE BILL


Foreman of the Grand Jury


Assistant District Attorney



THE LAW OFFICE OF

ROBERT B. MCDUFF

ATTORNEYS:

ROBERT B. MCDUFF

SIBYL C. BYRD

767 NORTH CONGRESS STREET • JACKSON, MISSISSIPPI 39202

TELEPHONE: (601) 969-0802 • FACSIMILE: (601) 969-0804

RBM@MCDUFFLAW.COM

SCB@MCDUFFLAW.COM

October 3, 2008

VIA FACSIMILE 662-227-9558

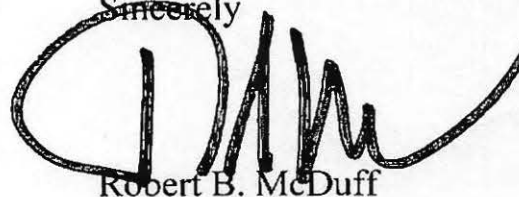
Doug Evans, District Attorney
P.O. Box 1262
Grenada, MS 38902-1262

Dear Mr. Evans:

I represent James Bibbs, the juror in the Flowers trial who has been referred by Judge Loper for possible prosecution for perjury. Because you are a potential witness in any case against Mr. Bibbs, and because your office was involved in the trial on which Mr. Bibbs was a juror, I believe you have a conflict that prevents you or your office from participating in the presentation of the matter to the grand jury or in the investigation or prosecution of it. In light of this, I write to ask that you please refer this matter to the Attorney General for any investigation and any proceedings. I realize you may already be aware of this conflict and are proceeding accordingly, but I am writing out of an abundance of caution.

Thank you for your consideration.

Sincerely



Robert B. McDuff



IN THE CIRCUIT COURT OF PEARL RIVER COUNTY

FILED

IN THE MATTER OF:

MAR 18 2009

Misc. Cause Number mic2009-011

Anita Carol Pearson and Glenn White

VICKIE P. HARRIS, CIRCUIT CLERK
By [Signature] 

MOTION TO RECUSE

COMES NOW, Haldon J. Kittrell, District Attorney for the Fifteenth Circuit Court District of the State of Mississippi, and files this, his motion to recuse the Fifteenth Circuit Court District Attorney's Office from prosecution in the above styled matters, and in support thereof would show unto the Court the following, to wit:

1.

That heretofore the Pearl River County Sheriff's Department conducted an investigation as to Anita Carol Pearson and on February 7, 2009 charged Anita Carol Pearson with Conspiracy to Commit Kidnapping, Attempted Extortion, Conspiracy to Commit Robbery, Accessory Before the Fact to Robbery, Conspiracy to Commit Kidnapping, Accessory Before the Fact to Kidnapping and Conspiracy to Commit Armed Robbery.

2.

That thereafter Anita Carol Pearson was arrested by the Pearl River County Sheriff's Department on February 27, 2009 and charged with Conspiracy to Commit the crime of Intimidation of a State Witness.

3.

That thereafter, the attorney for Anita Carol Pearson, Honorable Glenn White was arrested on the charge of Bribery on March 5, 2009 by the Pearl River County Sheriff's Department for allegedly bribing a witness involved in the matters concerning Anita Carol Pearson.



4.

That since the charges have been filed, Honorable Glenn White has associated counsel, Honorable Robert B. McDuff and Honorable Joe Sam Owen to represent him in his charge.

5.

That by letter dated March 13, 2009, Robert B. McDuff on behalf of himself, Joe Sam Owen and their client, Glenn White, has advised that they anticipate in their representation of Glenn White that Haldon J. Kittrell will be a potential witness in this matter. The letter, a copy of which is attached hereto as Exhibit "A", further requests that Haldon J. Kittrell and the Fifteenth Circuit Court District Attorney's Office recuse itself from prosecution in this matter. The letter further requests that the matter be assigned to the Attorney General's Office.

6.

That the undersigned being advised of the potential to serve as a witness in the matter, is left with no choice but to recuse both himself and his office from further prosecution in this matter. The undersigned has no objections with the Attorney General's Office proceeding as special prosecutor; however, would defer to this Court for its decision as to how to proceed with the appointment of special prosecutor in this matter.

7.

Inasmuch as the charges against Anita Carol Pearson and Glenn White are interrelated and the same defense may be advanced by both defendants, the undersigned believes it is mandated that the Fifteenth Circuit Court District Attorney's Office be recused both as to the charges pending against Glenn White and also Anita Carol Pearson in Pearl River County, Mississippi.

8.

The undersigned is undertaking this Motion to Recuse based on the letter received from Robert B. McDuff and is advancing this Motion at this time for the sake of judicial economy and to allow this matter to proceed in an orderly and expeditious manner.

9.

WHEREFORE, PREMISES CONSIDERED, the undersigned would move this Court for its Order recusing the Fifteenth Circuit Court District Attorney's Office from further prosecution in this matter.

Respectfully submitted on this, the 18th day of March, A.D., 2009.

STATE OF MISSISSIPPI

BY: 

HALDON J. KITTRELL
District Attorney
Fifteenth Circuit Court District

HALDON J. KITTRELL
DISTRICT ATTORNEY
FIFTEENTH CIRCUIT COURT DISTRICT
500 COURTHOUSE SQUARE # 3
COLUMBIA, MS 39429
601-731-1476
601-731-1489 (FAX)
MS BAR #4195



THE LAW OFFICE OF

ROBERT B. MCDUFF

ATTORNEYS:

ROBERT B. MCDUFF
SIBYL C. BYRD

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RBM@MCDUFFLAW.COM

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March 13, 2009

By Fax 601-731-1489 and Mail

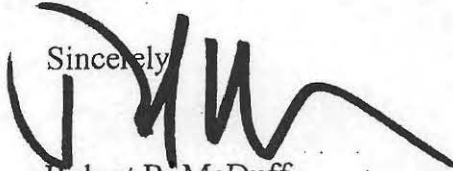
Haldon J. Kittrell
District Attorney
500 Courthouse Square
Columbia, MS 39429

Dear Hal,

Joe Sam Owen and I are representing Glenn White regarding the present inquiry in Pearl River County. I am writing to respectfully request that you recuse yourself from this matter and refer it to the Attorney General of Mississippi in light of the fact that you might be a witness. You were present during a conversation in Circuit Court among Mr. White and several others, including you, regard certain policies and activities of the Sheriff of Pearl River County. Evidence about that conversation likely will be part of our defense in the event this case goes forward. Any indictment obtained by your office in this matter would be subject to a motion to quash based on your position as a potential witness. In this *unusual* situation, I respectfully suggest that the better course would be to proceed with an abundance of caution and refer this matter to the Attorney General.

Thank you for your consideration.

Sincerely,


Robert B. McDuff

cc: Joe Sam Owen

I certify this is a true and correct copy of the original on
file in my office.

This the 13th day of March 2009
by Vickie P. Haniel, Circuit Clerk

Exhibit "A"

IN THE CIRCUIT COURT OF PEARL RIVER COUNTY, MISSISSIPPI

IN THE MATTER OF
ANITA CAROL PEARSON AND GLENN WHITE

MISC. CAUSE NO. Misc 2009-011
FILED

MAR 18 2009

ORDER OF RECUSAL
By MICKIE H. HARRIS, Circuit Clerk D.C.

BEFORE THIS COURT, comes now, Honorable Haldon J. Kittrell's, District Attorney for the Fifteenth Circuit Court District of the State of Mississippi, Motion to Recuse the Fifteenth Circuit Court District Attorney's Office from the prosecution of the charges pending against Anita Carol Pearson and Glenn White. In rendering its decision, this Court has reviewed the motion together with all correspondence pertaining to this issue. Accordingly, this Court is of the opinion that the motion is well-taken and should hereby be GRANTED for the following reasons to-wit:

This Court is of the opinion that a potential conflict could arise by the involvement of Haldon J. Kittrell and the Fifteenth Circuit Court District Attorney's Office. The District Attorney has been notified by letter that he may be a potential witness in the aforementioned matters.

Therefore, this Court finds that Haldon J. Kittrell and the Fifteenth Circuit Court District Attorney's Office should hereby be RECUSED in the aforementioned cases. Furthermore, this Court is of the opinion that the Mississippi Attorney General's Office be appointed to proceed as special prosecutor in these matters or refer them to another entity for prosecution if so needed.

IT IS THEREFORE ORDERED AND ADJUDGED, that the Fifteenth Circuit Court District Attorney's Office's Motion to Recuse is hereby GRANTED. It is further,

ORDERED AND ADJUDGED, that the Mississippi Attorney General's Office be and is hereby appointed Special Prosecutor in the aforementioned matters.

SO ORDERED AND ADJUDGED, this the 18 day of March, 2009.

I certify this is a true and correct copy of the original as
file in my office.

This the 18th day of March 2009

BY Mickie H. Harris D.C.
VICKIE P. HARRIS, Circuit Clerk

[Signature]
CIRCUIT JUDGE



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

**MOTION TO RECUSE THE DISTRICT
ATTORNEY'S OFFICE OF THE FIFTH CIRCUIT COURT DISTRICT**

The defense moves to recuse the District Attorney's office of the Fifth Circuit Court District from participation in this case. In support of this motion, the following is submitted:

1. The District Attorney is a witness. Even if he is not called as a witness by the State, he will be called as a witness by the defense. The defendant, James Bibbs, is accused of perjury in his answers to voir dire questions when he was a juror in the fifth trial of Curtis Flowers. Whether an answer is dishonest often depends on the nature of the questions asked. "[J]urors, ignorant of voir dire procedure, are to be held to the question asked, and not to some other question that should have been asked." *In Re Mossie* 768 F.2d 985, 986 (8th Cir. 1985), *quoting, United States v. Rhodes*, 556 F.2d 599, 601 (1st Cir. 1977). Much of the voir dire was conducted by the District Attorney's office and one of the issues in this case is whether the District Attorney's questions were sufficiently specific to make Mr. Bibbs' answers a crime. This makes the District Attorney a necessary witness for the defense, and also makes his office a participant whose actions call into question the validity of the charges in this case. Indeed, one of the key defenses in this case is that the District Attorney failed to ask the questions that his office now claims Mr. Bibbs answered falsely.

FILED

MAY 26 2009

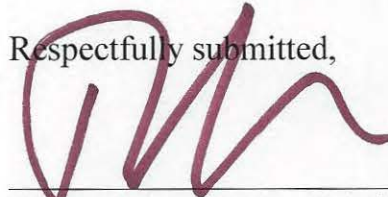
LANELLE G. MARTIN, CIRCUIT CLERK
BY *Lanelle G. Martin*

2. Mr. Bibbs was the lone holdout juror in the Flowers murder case, which was tried by this District Attorney's office, and he subsequently was indicted by the same office. This could send a message to jurors in the present case that if they do not vote with the District Attorney's office, they too could find themselves under indictment. The presence and involvement of that office could have a chilling effect on the jurors in the present case.

3. The defense adopts and incorporates the argument regarding conflict of interest made in the motion to dismiss and quash the indictment.

This claim is raised under the due process clause of the Fourteenth Amendment to the United States Constitution, Article 3, §§ 14 and 26 of the Mississippi Constitution, and Miss. R. Prof. Conduct 1.7 and 3.7.

Respectfully submitted,



ROBERT B. McDUFF, Miss. Bar No. 2532
SIBYL C. BYRD, Miss. Bar No. 100601
767 North Congress Street
Jackson, Mississippi 39202
(601) 969-0802

Counsel for the Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being delivered by first-class mail, postage prepaid, and has been sent by electronic mail to:

District Attorney Doug Evans

(email: evansda@ayrix.net).

Assistant District Attorney Susan Denley

(email: sdenley5ada@hotmail.com)

P.O. Box 1262

Grenada, Mississippi 38902-1262

This the 21 day of May, 2009.

A handwritten signature in red ink, consisting of a large, stylized 'D' followed by a series of loops and a final flourish.

Counsel for the Defendant

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

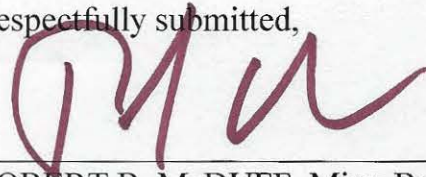
MOTION TO CHANGE VENUE

On behalf of the defendant James Bibbs, the undersigned counsel moves for a change of venue so that the jury is selected and the case is tried outside of Montgomery County and the Fifth Circuit Court District. Counsel has asked the prosecution if it is going to agree to or oppose this motion but has yet to receive a response. Once the prosecution responds, counsel will file a supplement to this motion informing the Court of the prosecution's position and providing additional information in support of the motion. Particularly if the prosecution opposes the motion, the undersigned will file the verification and affidavits required by the relevant statute and will submit copies of news articles in support of the motion.

This motion is submitted pursuant to URCCC 6.06, Miss. Code Ann. § 99-15-35, the Sixth and Fourteenth Amendments to the United States Constitution, and Article 3, Sections 14 and 26 of the Mississippi Constitution.

FILED
MAY 26 2009
LANELLE G. MARTIN, CIRCUIT CLERK
BY *Lanelle G. Martin*

Respectfully submitted,

A handwritten signature in red ink, appearing to be 'R B McDuff', written over a horizontal line.

ROBERT B. McDUFF, Miss. Bar No. 2532
SIBYL C. BYRD, Miss. Bar No. 100601
767 North Congress Street
Jackson, Mississippi 39202
(601) 969-0802

Counsel for the Defendant

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(email: evansda@ayrix.net).

Assistant District Attorney Susan Denley

(email: sdenley5ada@hotmail.com)

P.O. Box 1262

Grenada, Mississippi 38902-1262

This the 21 day of May, 2009.

A handwritten signature in maroon ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke.

Counsel for the Defendant

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI
STATE OF MISSISSIPPI

vs.

Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

MOTION FOR TRANSCRIPT OF THE FLOWERS TRIAL

In the event this indictment is not dismissed and this case goes to trial, the defense moves for production of the transcript of all testimony and the opening and closing arguments in the most recent trial of *State v. Curtis Flowers* in order for the defendant, James Bibbs, to defend himself against the charges in this case.

1. The defendant, James Bibbs, was the lone holdout juror in the fifth trial conducted in the controversial capital murder case against Curtis Flowers. He has been charged in Count I of the indictment with committing perjury while answering questions during the voir dire phase of the trial "by stating that he had no knowledge of the case . . . when the truth is he had first-hand knowledge of the crime scene and/or the investigation" Count II of the indictment also charges him with perjury during the voir dire "by stating that he did not have a pre-conceived opinion about the case when the truth is he did have a pre-conceived opinion about the case"

2. The prosecution has obtained a transcript of the voir dire of the trial. However, no transcript is available of the evidence or the opening and closing arguments. It is necessary to obtain those transcripts to assist in defending against the charges in this case, including the insinuation that Mr. Bibbs' decision as a juror was caused by a "pre-conceived opinion"

FILED

MAY 26 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY *[Signature]*

rather than his evaluation of the evidence. Those transcripts are “material[] to the preparation of the defense” and thus as required under URCCC 9.04(A).

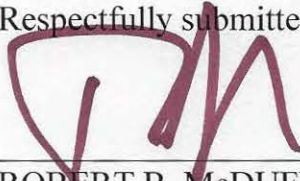
3. The undersigned contacted the Mississippi Office of Capital Defense Counsel, which represents Curtis Flowers, to determine if it has ordered the transcript for use in preparation for Mr. Flowers’ next trial. That office stated that it has ordered the transcript of the testimony of all witnesses, but that the court reporter has not yet had time to complete the transcript. That office will pay for the transcript, and once it receives the transcript, the transcript can be shared with the defense and the prosecution in the present case.

4. However, if the transcript is not produced soon, it may be necessary for the Court to urge the court reporter to complete the transcript of the testimony quickly so that it can be used in preparing for trial in this case.

5. In addition, the prosecution should be required to order the transcripts of the opening and closing arguments and produce them to the defense promptly. The Office of Capital Defense Counsel has not ordered those arguments. However, they are relevant to the defense in this case. Although the arguments are not evidence, they are part of what the jurors heard and they may have had an impact on how individual jurors approached the case. The defendant is not in a position to pay for the transcripts and defense counsel is defending this case voluntarily without pay. Because those transcripts are “material[] to the preparation of the defense” under URCCC 9.04(A), and because the prosecution has chosen to indict Mr. Bibbs for his actions as a juror, the prosecution has a duty to obtain the transcript and share it with defense counsel.

This motion is based on URCCC 9.04, the Sixth and Fourteenth Amendments to the United States Constitution, and Article 3, Sections 14 and 26 of the Mississippi Constitution.

Respectfully submitted,

A handwritten signature in red ink, appearing to be 'R. McDuff', is written over a horizontal line.

ROBERT B. McDUFF, Miss. Bar No. 2532
SIBYL C. BYRD, Miss. Bar No. 100601
767 North Congress Street
Jackson, Mississippi 39202
(601) 969-0802

Counsel for the Defendant

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(email: evansda@ayrix.net).

Assistant District Attorney Susan Denley

(email: sdenley5ada@hotmail.com)

P.O. Box 1262

Grenada, Mississippi 38902-1262

This the 21 day of May, 2009.



Counsel for the Defendant

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

NOTICE OF HEARING

Please take notice that the above styled and referenced matter will be brought on for hearing on Defendant James Bibbs' Motion to Dismiss Indictment, Motion to Recuse the District Attorney, Motion to Change Venue, Motion for Transcript, and any other pending motions before the Honorable Jannie Lewis, on Tuesday, June 16, 2009, at 11 a.m. at the Humphreys County Courthouse, 102 Castleman Street, Belzoni, Mississippi, or at such time as counsel may be heard.

Respectfully submitted,

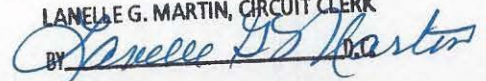


ROBERT B. McDUFF, Miss. Bar No. 2532
SIBYL C. BYRD, Miss. Bar No. 100601
767 North Congress Street
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Counsel for the Defendant

FILED
MAY 26 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY 

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being delivered by first-class mail, postage prepaid, and has been sent by electronic mail to:

District Attorney Doug Evans

(email: evansda@ayrix.net).

Assistant District Attorney Susan Denley

(email: sdenley5ada@hotmail.com)

P.O. Box 1262

Grenada, Mississippi 38902-1262

This the 21 day of May, 2009.



Counsel for the Defendant



THE LAW OFFICE OF
ROBERT B. MCDUFF

ATTORNEYS:

ROBERT B. MCDUFF
SIBYL C. BYRD

767 NORTH CONGRESS STREET • JACKSON, MISSISSIPPI 39202

TELEPHONE: (601) 969-0802 • FACSIMILE: (601) 969-0804

RBM@MCDUFFLAW.COM

SCB@MCDUFFLAW.COM

May 21, 2009

Lanelle Martin, Circuit Clerk
Montgomery County Circuit Court
P.O. Box 765
Winona, MS 38967

Re: *State of Mississippi v. James Franklin Bibbs*, Cause No. 2008-0065CR

Dear Ms. Martin:

Enclosed please find the following for filing in the above styled matter:

- Motion to Dismiss Indictment
- Motion to Recuse the District Attorney
- Motion to Change Venue
- Motion for Transcript
- Notice of Hearing

I have also enclosed extra copies of the motions and the notice and a self-addressed, stamped envelope. Would you please stamp the extra copies "filed" and return them to me?

Thank you very much for your help with this matter. Please let me know if you have any questions or if there is anything further you need from me at this time.

Sincerely,

Robert B. McDuff

Enclosures

cc: District Attorney Doug Evans
Assistant District Attorney Susan Denley

FILED
MAY 26 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY Lanelle G. Martin

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI
STATE OF MISSISSIPPI

vs.

Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

**SUPPLEMENT TO THE MOTION TO DISMISS AND THE
MOTION TO RECUSE THE DISTRICT ATTORNEY'S OFFICE**

Attached to this supplement is a copy of the voir dire transcript in the most recent trial in the case of *State v. Curtis Flowers* (Exhibit A), as well as copies of the statements of various people who served as jurors with defendant James Bibbs in the most recent *Flowers* trial (Exhibits B through K). These statements were provided by the prosecution as part of the discovery in the present case. The statements are being filed under seal. The statements and the transcript are referenced in the motion to dismiss and the motion to recuse.

The most relevant pages of the transcript are pp. 51, 181, and 192-193. These show that while James Bibbs was asked during voir dire about his acquaintance with one of the victims and also about what he had heard about the case through the media or from his son, who was a law enforcement officer, he was never asked whether he had any knowledge of the case. Thus, he could not have committed perjury "by stating that he had no knowledge of the case" (to quote the indictment). As stated more fully in the motion to dismiss, Mr. Bibbs would not have been lying even if he had claimed no knowledge of the case. But he never made that claim because he was never asked that question. Thus, this charge in the indictment is without foundation and is frivolous. This is one of the many reasons this

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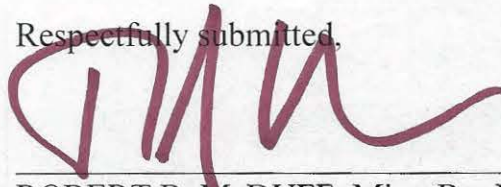
LANELLE G. MARTIN, CIRCUIT CLERK

BY *Lanelle G. Martin*

indictment should be dismissed, particularly where the simple holding of a trial will damage both the defendant and the system of justice. Unless there is some basis for the charges, the trial should not be allowed to go forward.

Furthermore, in addition to the other grounds mentioned in the motion to dismiss, this indictment is tainted by the fact that the case was presented to the grand jury by a District Attorney's office with a conflict of interest and with a personal stake in the outcome. (That conflict of interest and that personal stake in the outcome are discussed more fully in the motion to dismiss). The right to a grand jury indictment is preserved by the Mississippi Constitution, Art. 3 § 27. That right, combined with the rights protected by the other constitutional provisions cited in the motion to dismiss, requires a fair and impartial grand jury process. The process is not fair and impartial if the District Attorney who presents the case --- and who has a great deal of control and influence over the grand jury process --- has a conflict of interest and a personal stake in the outcome.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. McDuff', is written over the typed name.

ROBERT B. McDUFF, Miss. Bar No. 2532
SIBYL C. BYRD, Miss. Bar No. 100601
767 North Congress Street
Jackson, Mississippi 39202
(601) 969-0802

Counsel for the Defendant

SEALED EXHIBITS “B” - “K”

IN FILING CABINET IN

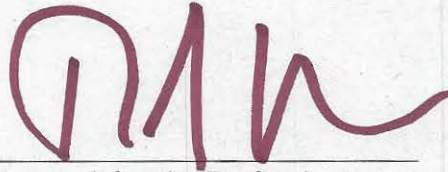
CLERK’S OFFICE

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being delivered by first-class mail, postage prepaid, to:

District Attorney Doug Evans
Assistant District Attorney Susan Denley
P.O. Box 1262
Grenada, Mississippi 38902-1262

This the 4th day of June, 2009.



Counsel for the Defendant

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

V. CAUSE NUMBER 2003-0071-CR

CURTIS GIOVANNI FLOWERS

TRANSCRIPT OF THE VOIR DIRE EXAMINATION HEARD ON THE 22ND AND
23RD DAYS OF SEPTEMBER, 2008, IN THE ABOVE STYLED AND NUMBERED
CAUSE, BEFORE HIS HONOR, JUDGE JOSEPH H. LOPER, JR., CIRCUIT
JUDGE, FIFTH CIRCUIT COURT DISTRICT OF THE STATE OF
MISSISSIPPI.

REPORTED BY OFFICIAL COURT REPORTER
TAMMY THOMAS, CSR, RPR (CSR NO. 1304)



FILED
JUN 05 2009
LANELLE G. MARTIN, CIRCUIT CLERK
BY *L. G. Martin*

A-P-P-E-A-R-A-N-C-E-S

Present and Representing the State of Mississippi:

HONORABLE DOUG EVANS

District Attorney

Post Office Box 1262

Grenada, Mississippi 38902

HONORABLE CLYDE HILL

Assistant District Attorney

Post Office Box 1262

Grenada, Mississippi 38902

Present and Representing the Defendant:

HONORABLE ANDRE DEGRUY

Office of Capital Defenses

510 George Street, Suite 300

Jackson, Mississippi 39202

HONORABLE RAY CHARLES CARTER

Office of Capital Defense

510 George Street, Suite 300

Jackson, Mississippi 39202

HONORABLE ALISON STEINER

Office of Capital Defense

510 George Street, Suite 300

Jackson, Mississippi 39202

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P-R-O-C-E-E-D-I-N-G-S

THE COURT: Ladies and gentlemen, the first step in a trial is a procedure referred to as voir dire. That is where the Court and the attorneys for both sides ask questions of you to make sure that you can be a fair and impartial juror in the matter that is to be tried. The --

Well, wait a minute. Let me call up the case first. I am getting ahead of myself.

I am going to call up now the State of Mississippi versus Curtis Giovanni Flowers, Cause Number 2003-0071-CR.

What says the State?

MR. EVANS: State of Mississippi is ready for trial, Your Honor.

THE COURT: What says the defense?

MR. CARTER: We are ready, Your Honor.

THE COURT: Okay. Ladies and gentlemen, I will get back to what I was telling you on voir dire. That is the Court and attorneys for both sides ask questions of you to make sure that you can be fair and impartial jurors in the matter that is to be tried.

The purpose of asking these questions are just strictly for that purpose. We don't ask these questions for embarrassing anybody, putting anybody on the spot or anything like that. We just do want to make sure that we do get a fair and impartial jury to try this case.

It is necessary that you answer these questions under oath. So if you will please stand at this time and

1 raise your right hand, and I'll administer that oath to
2 you.

3 (THE JURY PANEL STOOD UP.)

4 Do you and each of you solemnly swear or affirm that
5 you will give true answers to all questions propounded to
6 you by the Court and by the attorneys in the selection of
7 a jury in this case, so help you God?

8 JURY PANEL: I do.

9 THE COURT: Thank you. If you will be seated,
10 please.

11 (THE JURY PANEL WAS SEATED.)

12 When there are questions asked of you that require
13 you to respond, if you would, please, stand but also have
14 that number that you got and hold it up so that we can
15 keep track of who we are speaking to throughout this
16 process. It's a number of you in here. So it would be
17 easier when you stand if you will hold that number up and
18 let us know who we are speaking to.

19 I always begin by introducing the attorneys that
20 will be participating in the trial. The State of
21 Mississippi is represented by Honorable Doug Hill -- Doug
22 Evans. I am trying to give him a new name today.
23 Honorable Clyde Hill is also -- he is assistant district
24 attorney, and Honorable Ryan Berry. These will be the
25 attorneys involved in the case.

26 And then the defense, Honorable Ray Charles Carter,
27 Honorable Alison Steiner and Honorable Andre deGruy.
28 These will be the attorneys that will be participating in
29 this case.

1 I'll ask first of you all a few questions about the
2 attorneys. I want to know if any of you are related by
3 blood or by marriage to any of the attorneys that are
4 involved in this case today. Any of you have a situation
5 where you are related by blood or by marriage to any of
6 the lawyers that are involved in this case?

7 And I take it by your silence -- and throughout the
8 process, if you are silent I will take that as a negative
9 response. I take it none of you are related by blood or
10 by marriage to any of the attorneys that are involved.

11 Have you ever had a situation where one of these
12 attorneys or possibly more than one of these attorneys
13 have done any legal work for you? Ever been in a
14 situation where you were represented by one of these
15 attorneys?

16 Okay. Number 9. Miss Carter, and what was that
17 situation?

18 JUROR KAREN CARTER: Mr. Evans had prosecuted a
19 case for us where our house was broken into, been many
20 years ago.

21 THE COURT: And is that a situation where
22 because of that that would affect you in any way in being
23 a fair and impartial juror?

24 JUROR KAREN CARTER: No.

25 THE COURT: It would not. Okay. Thank you.
26 Anyone else?

27 Okay. Number 6. Mr. Brown, what is that situation?

28 JUROR GEORGE BROWN: Yes, sir. I used to be an
29 employee with Grenada Police Department.

1 THE COURT: And Mr. Evans and Mr. Hill, I
2 think, both worked for them at some point.

3 JUROR GEORGE BROWN: Yes, sir.

4 THE COURT: And have either of these lawyers
5 done any work for you in the past or were -- they were
6 prosecuting a case where you might have been working as a
7 police officer; is that correct?

8 JUROR GEORGE BROWN: Yes, sir.

9 THE COURT: And would that affect you in being
10 a fair and impartial juror in this case?

11 JUROR GEORGE BROWN: No, sir, it would not.

12 THE COURT: Okay. Thank you.

13 Anyone else that has a situation where you might
14 have been represented by any of the attorneys that are
15 involved in this case?

16 BAILIFF BROWNING: 153 is here. Can she be
17 seated?

18 THE COURT: Yes. If you will come...

19 BAILIFF BROWNING: Do you want her up there?

20 THE COURT: Yeah. I think maybe we can squeeze
21 her in. Just put her in there.

22 BAILIFF BROWNING: Yeah. We skipped a spot.

23 THE COURT: Okay. Put her in there then.

24 She needs to be sworn.

25 If she will stand there and I'll --

26 If you will raise your right hand.

27 Do you solemnly swear or affirm that you will give
28 true answers to all questions propounded to you by the
29 Court and by the attorneys in the selection of the jury

1 in this case, so help you God?

2 JUROR NORA BUTTS: I swear.

3 THE COURT: Okay. If you will be seated,
4 please.

5 (JUROR NUMBER 153, NORA BUTTS, WAS SEATED WITH THE JURY
6 PANEL.)

7 Okay. We were asking -- the only question you've
8 missed is in a situation involving the attorneys. And
9 I'd introduced the attorneys - Honorable Doug Evans,
10 Honorable Clyde Hill, Honorable Ryan Berry, Honorable Ray
11 Charles Carter, Honorable Alison Steiner, Honorable Andre
12 de Gruy. These are the attorneys that are involved in
13 this case.

14 So are you related by blood or by marriage to any of
15 these attorneys, Miss Butts?

16 JUROR NORA BUTTS: No.

17 THE COURT: And have any of these attorneys
18 ever represented you in some legal matter?

19 JUROR NORA BUTTS: No, sir.

20 THE COURT: Okay. Thank you.

21 Okay. Number 28.

22 JUROR BRADFORD JOHNSON: Mr. Evans represented
23 my daughter in a case about a year ago.

24 THE COURT: Was he prosecuting the case where
25 she was some crime victim?

26 JUROR BRADFORD JOHNSON: Yes, sir.

27 THE COURT: And would that affect your ability
28 to be a fair and impartial juror in this case?

29 JUROR BRADFORD JOHNSON: No, sir.

1 THE COURT: And so you will lay that aside and
2 that won't be a consideration if you are selected on a
3 jury; is that correct?

4 JUROR BRADFORD JOHNSON: Yes, sir.

5 THE COURT: Okay. Thank you.

6 And Number 111.

7 BAILIFF BROWNING: Judge Loper, she cannot hear
8 you. She is the one that has the bad hearing problem.
9 The only way that 111 can hear you is to be right up
10 there.

11 THE COURT: Okay. Why don't we just move her
12 right on up here to the front row?

13 BAILIFF BROWNING: Can she sit right here?

14 THE COURT: She can sit anywhere on this front
15 row in front of the jury box. I want to make sure that
16 we take care of Miss Laster.

17 (JUROR NUMBER 111, DEBORAH LASTER, WAS SEATED.)

18 Miss Laster, did you hear the questions about the
19 lawyers. I was asking --

20 JUROR DEBORAH LASTER: Yes.

21 THE COURT: -- if you were related by blood or
22 by marriage to any of the lawyers.

23 JUROR DEBORAH LASTER: I had some help in the
24 back.

25 THE COURT: Okay. And have any of these
26 lawyers done any work for you in the past?

27 JUROR DEBORAH LASTER: No. But I knew Mr.
28 Evans many, many, many years ago when I worked as a
29 reporter in Grenada. That's probably been 30 years ago.

1 THE COURT: And would that affect you in being
2 a fair juror in this case?

3 JUROR DEBORAH LASTER: No, sir.

4 THE COURT: And I'll ask now kind of the
5 reverse side of the question. Have any of you ever been
6 in a situation where you were on the opposite side of a
7 legal proceeding from which one of these attorneys might
8 have been involved? That is, has one of these lawyers
9 opposed you in some legal matter that you were involved
10 with?

11 I'll ask one last question about the lawyers, and
12 then we'll move on to another subject. I want to know if
13 any of you have a situation where you have a close,
14 personal friendship, close relationship with one of the
15 lawyers in this case today where that would affect you in
16 being a fair and impartial juror?

17 Again, do any of you have a close relationship,
18 friendship, acquaintanceship with one or more of the
19 lawyers that would affect you in being a fair and
20 impartial juror? I take it by your silence that you do
21 not have that situation.

22 I know that we had some people answer the
23 questionnaires concerning this, but I will go ahead and
24 ask this question again. And that is are any of you
25 currently serving in law enforcement? Have any of you at
26 any time in the past served in law enforcement? Also,
27 are you related by blood or by marriage to somebody that
28 has in the past or presently serves in law enforcement?
29 And if you have, if you will all, please, stand.

1 Okay. We'll start over with Number 1, Miss Wilson.
2 And I believe you put on your form that your
3 brother-in-law is a former law enforcement officer in
4 Tennessee; is that correct?

5 JUROR MARTHA JANEY-WILSON: Yes, sir.

6 THE COURT: And is there any other relatives --

7 JUROR MARTHA JANEY-WILSON: No, sir.

8 THE COURT: -- in law enforcement?

9 JUROR MARTHA JANEY-WILSON: No, sir.

10 THE COURT: And would the fact that your
11 brother, former law -- brother-in-law, former law
12 enforcement, would that affect you in any way in being a
13 fair and impartial juror in this case?

14 JUROR MARTHA JANEY-WILSON: No, sir.

15 THE COURT: Okay. Thank you.

16 Then Number 5. Mr. Chambley, I believe you said
17 your father was formerly in law enforcement.

18 JUROR BENNY CHAMBLEY: Right.

19 THE COURT: And then Cole Adams, state trooper,
20 is your brother-in-law; is that correct?

21 JUROR BENNY CHAMBLEY: Yes.

22 THE COURT: Any other relationships?

23 JUROR BENNY CHAMBLEY: (Shook head.)

24 THE COURT: Would those affect you in any way
25 in being a fair and impartial juror in this case?

26 JUROR BENNY CHAMBLEY: No, sir. Not at all.

27 THE COURT: Okay. Thank you.

28 And Mr. Brown, you are retired police officer in
29 Grenada; is that correct?

1 JUROR GEORGE BROWN: Yes, sir.

2 THE COURT: And is there anything about your
3 prior law enforcement experience that would affect you
4 or -- in any way in being a fair and impartial juror in
5 this case?

6 JUROR GEORGE BROWN: No, sir.

7 THE COURT: Okay. Thank you.

8 Miss McClurg, you are married to Billy McClurg,
9 state trooper; is that correct?

10 JUROR SHERYL MCCLURG: Yes, sir.

11 THE COURT: And would that situation affect you
12 in any way in being a fair and impartial juror in this
13 case?

14 JUROR SHERYL MCCLURG: No, sir.

15 THE COURT: Okay. Thank you.

16 And Mr. Pope, Number 11, your brother is a state
17 trooper; is that correct?

18 JUROR JAMES POPE: Retired.

19 THE COURT: Retired state trooper. And is --
20 do you have any other relationships or kinships with law
21 enforcement?

22 JUROR JAMES POPE: Not at this time.

23 THE COURT: How about in the past? Anybody
24 else in the past?

25 JUROR JAMES POPE: No.

26 THE COURT: Would that affect you or influence
27 you in being a fair and impartial juror in this case?

28 JUROR JAMES POPE: No, sir.

29 THE COURT: Okay. Thank you.

1 Number 14. Mr. Moorehead, I believe you have got a
2 relative in Georgia that is in law enforcement; is that
3 correct?

4 JUROR ROBERT MOOREHEAD: Yes, sir. Nephew.

5 THE COURT: And who is it?

6 JUROR ROBERT MOOREHEAD: Nephew.

7 THE COURT: Would that affect you in any way in
8 your ability to be a fair and impartial juror in this
9 case?

10 JUROR ROBERT MOOREHEAD: No.

11 THE COURT: Okay. Thank you.

12 Would you grab my Halls cough drops? It is so hot
13 in here. My throat is fixing to leave me real fast.

14 Okay. Then Number 18. Let's see. You are related
15 by marriage to David Johnson, who was deputy sheriff and
16 former trooper here; is that correct?

17 JUROR SANDRA BRITT: (Nodded.)

18 THE COURT: And are you related to anybody else
19 in law enforcement?

20 JUROR SANDRA BRITT: No.

21 THE COURT: Would that factor influence you or
22 affect you at all in being a fair and impartial juror in
23 this case?

24 JUROR SANDRA BRITT: No.

25 THE COURT: Okay. Thank you.

26 And Mr. Henry, let's see. Your brother is a police
27 officer in Grenada; is that correct?

28 JUROR LARRY HENRY: Yes, sir.

29 THE COURT: And what is his name?

1 JUROR LARRY HENRY: Barry Henry. He is
2 reserve.

3 THE COURT: What is his first name?

4 JUROR LARRY HENRY: Barry.

5 THE COURT: Barry. Okay. And he is a reserve
6 officer in Grenada County.

7 JUROR LARRY HENRY: In Grenada.

8 THE COURT: And the city as well.

9 JUROR LARRY HENRY: Yes, sir.

10 THE COURT: And would those factors affect you
11 in any way in being a fair and impartial juror in this
12 case?

13 JUROR LARRY HENRY: I believe it will.

14 THE COURT: So you think you couldn't be fair
15 because of that.

16 JUROR LARRY HENRY: I don't think so, sir.

17 THE COURT: Okay. So it would affect you then.

18 JUROR LARRY HENRY: Um-hum.

19 THE COURT: Okay. Thank you. Okay. You can
20 be seated.

21 And Number 23. Your -- how are you related to
22 Dennis Wood, police officer here?

23 JUROR TEPPY FORREST: First cousin.

24 THE COURT: First cousin. And would that
25 affect you or influence you in any way in being a fair
26 and impartial juror in this case?

27 JUROR TEPPY FORREST: Yes, sir.

28 THE COURT: So you have got concerns about
29 being fair because your cousin is in law enforcement; is

1 that right?

2 JUROR TEPPY FORREST: Yes, sir.

3 THE COURT: Okay. Thank you.

4 Number 26. Miss Branch, let's see. Your husband's
5 uncle was chief of police here; is that correct?

6 JUROR LISA BRANCH: That's correct.

7 THE COURT: And any other relatives in law
8 enforcement?

9 JUROR LISA BRANCH: No, sir.

10 THE COURT: And would that factor influence you
11 or affect you in being a fair and impartial juror in this
12 case?

13 JUROR LISA BRANCH: It would not.

14 THE COURT: Okay. Thank you.

15 And then Number 28. Mr. Johnson, let's see. You
16 are related to cousin, David Johnson; is that correct?

17 JUROR BRADFORD JOHNSON: Yes, sir.

18 THE COURT: What degree of kinship?

19 JUROR BRADFORD JOHNSON: Second cousin.

20 THE COURT: And you would, I assume, be related
21 to John Johnson as well.

22 JUROR BRADFORD JOHNSON: Yes, sir.

23 THE COURT: And would those factors influence
24 you or affect you in any way in being a fair and
25 impartial juror in this case?

26 JUROR BRADFORD JOHNSON: No, sir.

27 THE COURT: Okay. Thank you.

28 Mr. Bailey, you're stepson to Mr. Able; is that
29 correct?

1 JUROR WAYNE BAILEY: Yes, sir.

2 THE COURT: Who was -- is in law enforcement in
3 Montgomery County and Duck Hill; is that correct?

4 JUROR WAYNE BAILEY: Yes, sir.

5 THE COURT: And would that factor influence you
6 or affect you in any way in being a fair and impartial
7 juror?

8 JUROR WAYNE BAILEY: No, sir.

9 THE COURT: It would not. Okay. Thank you.
10 Okay. Miss Ingram, you are a cousin to John and
11 David Johnson; is that correct?

12 JUROR REGINA INGRAM: Right.

13 THE COURT: And what degree? Do you know?

14 JUROR REGINA INGRAM: Second.

15 THE COURT: Second. You also kin to Mr.
16 Johnson here on the panel.

17 JUROR REGINA INGRAM: Right.

18 THE COURT: Would that affect you in any way in
19 being a fair and impartial juror in this case?

20 JUROR REGINA INGRAM: No.

21 THE COURT: Okay. Thank you.

22 Okay. Mr. Knox, your father was a law enforcement
23 officer in Grenada -- I mean in Winona for about 20
24 years; is that correct?

25 JUROR ORMAN KNOX: That's correct.

26 THE COURT: Would that influence you or affect
27 you in being a fair and impartial juror in this case?

28 JUROR ORMAN KNOX: No, sir.

29 THE COURT: Thank you.

1 And Mr. Bennett, you're related to a person that is
2 a police officer in Arkansas and then the deputy city
3 clerk here in Winona; is that correct?

4 JUROR WILLIAM BENNETT: Yes, sir.

5 THE COURT: And would those factors influence
6 you at all or affect you in being a fair and impartial
7 juror in this case?

8 JUROR WILLIAM BENNETT: Probably not.

9 THE COURT: Any doubt in your mind?

10 JUROR WILLIAM BENNETT: Yes, sir.

11 THE COURT: So you have got some doubts about
12 whether you can be fair because of law enforcement
13 kinship; is that correct?

14 JUROR WILLIAM BENNETT: Right.

15 THE COURT: Okay. Thank you.

16 Mr. Newman, I don't think you listed on your
17 questionnaire. Who is it?

18 JUROR MOSES NEWMAN: I have a cousin that is
19 like a dispatcher, Merlin Knight.

20 THE COURT: And what is the cousin's name?

21 JUROR MOSES NEWMAN: Merlin Knight.

22 THE COURT: And is that here in Winona?

23 JUROR MOSES NEWMAN: Yes, sir.

24 THE COURT: Is that for the county or city?

25 JUROR MOSES NEWMAN: For -- I believe it's for
26 the city.

27 THE COURT: City. And would that influence you
28 or be a factor in you being a fair and impartial juror in
29 this case?

1 JUROR MOSES NEWMAN: No, sir.

2 THE COURT: Okay. Thank you.

3 And Mr. Bibbs, you are related to Tommy Bibbs,
4 police officer here in Winona; is that correct?

5 JUROR JAMES BIBBS: That's right.

6 THE COURT: Have you got any other relatives in
7 law enforcement?

8 JUROR JAMES BIBBS: No.

9 THE COURT: And would that fact influence you
10 or affect you in being a fair and impartial juror in this
11 case?

12 JUROR JAMES BIBBS: No.

13 THE COURT: Okay. Thank you.

14 Number 41. Miss Henson, and your former husband was
15 a law enforcement officer in Alabama; is that correct?

16 JUROR JOYCE HENSON: Yes, sir.

17 THE COURT: And would that influence you or
18 affect you in any way in being a fair and impartial juror
19 in this case?

20 JUROR JOYCE HENSON: No, sir.

21 THE COURT: Okay. Thank you.

22 Number 47. Miss Johnson, you are related to David
23 Johnson and John Johnson as well; is that correct?

24 JUROR KAREN JOHNSON: Yes, sir.

25 THE COURT: How are you related to them?

26 JUROR KAREN JOHNSON: My husband is first
27 cousins.

28 THE COURT: So first cousin by marriage.

29 JUROR KAREN JOHNSON: Yes, sir.

1 THE COURT: And would that influence you or be
2 a factor in you being a fair and impartial juror in this
3 case?

4 JUROR KAREN JOHNSON: No, sir.

5 THE COURT: Okay. Thank you.

6 And then Number 48. You've got a relative that
7 works at C.M.C.F. or --

8 JUROR TONNY SEALS: I used to be a correction
9 officer.

10 THE COURT: Your relative or you did?

11 JUROR TONNY SEALS: I did.

12 THE COURT: Okay. You were former -- and was
13 that out at the jail?

14 JUROR TONNY SEALS: Yes, sir.

15 THE COURT: And would the fact that you've
16 served in that capacity in the past influence you or
17 affect you in any way in being a fair and impartial juror
18 in this case?

19 JUROR TONNY SEALS: No, sir.

20 THE COURT: Okay. Thank you.

21 Mr. Reed, you are a security guard now; is that
22 correct?

23 JUROR ROBERT REED: Yes, sir.

24 THE COURT: And do you have any other relatives
25 in law enforcement or connection --

26 JUROR ROBERT REED: I have a nephew that is
27 police officer in Grenada.

28 THE COURT: And what is his name?

29 JUROR ROBERT REED: Ron Gregg.

1 THE COURT: What's the name?

2 JUROR ROBERT REED: Ron Gregg.

3 MR. EVANS: Ron Gregg.

4 THE COURT: Okay. And would those factors
5 influence you or affect you in being a fair and impartial
6 juror in this case?

7 JUROR ROBERT REED: No, sir.

8 THE COURT: Okay. Thank you.

9 Okay. Number 60. Miss Blakely, your brother is a
10 federal marshal; is that --

11 JUROR SHIRLEY BLAKELY: He works for the U.S.
12 Marshal.

13 THE COURT: Works for them. Have you got any
14 other relatives in law enforcement?

15 JUROR SHIRLEY BLAKELY: My brother-in-law, who
16 is Robert Tompkins, who is deceased.

17 THE COURT: Former sheriff here.

18 JUROR SHIRLEY BLAKELY: Yes.

19 THE COURT: And would those factors influence
20 you or affect you in being a fair and impartial juror in
21 this case?

22 JUROR SHIRLEY BLAKELY: No, sir.

23 THE COURT: Okay. Thank you.

24 Then Number 64. Mr. Groves, and you're a police
25 officer in Kosciusko.

26 JUROR DANNY GROVES: Yes, sir.

27 THE COURT: And you got any other association
28 with law enforcement as far as kinships go?

29 JUROR DANNY GROVES: I got Charles Rhodes,

1 through marriage, a retired stated trooper?

2 THE COURT: Okay. And would the fact that you
3 are in law enforcement affect you in any way in being a
4 fair and impartial juror in this case?

5 JUROR DANNY GROVES: No, sir.

6 THE COURT: And if you were to rule against the
7 prosecution and had to later see them, would you feel you
8 owed them an explanation or feel ill at ease because of
9 the verdict that had been rendered?

10 JUROR DANNY GROVES: No, sir.

11 THE COURT: Okay. Thank you.

12 Mr. Amason, who is --

13 JUROR WALTER AMASON: My brother was a deputy
14 sheriff here in Montgomery County.

15 THE COURT: Glenn.

16 JUROR WALTER AMASON: Glenn.

17 THE COURT: And would that affect you in any
18 way in being a fair and impartial juror in this case?

19 JUROR WALTER AMASON: No, sir.

20 THE COURT: Okay. Thank you.

21 Then Miss Barnes, you've got a relative in Grenada
22 that is a police officer; is that correct?

23 JUROR ESSIE BARNES: Yes.

24 THE COURT: And who is that?

25 JUROR ESSIE BARNES: Hickory Ben is my nephew.

26 THE COURT: What is -- what is the name?

27 JUROR ESSIE BARNES: Hickory Ben.

28 THE COURT: Okay.

29 JUROR ESSIE BARNES: Nephew.

1 THE COURT: Nephew. And would that influence
2 you or affect you in any way in being a fair juror in
3 this case?

4 JUROR ESSIE BARNES: I'm not sure.

5 THE COURT: So you've got some doubts about
6 whether you could be a fair juror because of your nephew
7 in law enforcement.

8 JUROR ESSIE BARNES: I am.

9 THE COURT: Okay. Thank you.

10 Seventy-one. Miss Haynes, and who is that you are
11 related --

12 JUROR PATRICIA HAYNES: I have a nephew by
13 marriage that's a Duck Hill police, Kevin Able.

14 THE COURT: And would that be a factor or
15 influence you at all in being a fair juror in this case?

16 JUROR PATRICIA HAYNES: No, sir.

17 THE COURT: Okay. Thank you.

18 And Mr. Turnage, Number 82, you're related to Earl
19 Campbell, a law enforcement officer in Duck Hill.

20 JUROR MARIO TURNAGE: He is also in the
21 sheriff's department.

22 THE COURT: Works in the sheriff's department
23 too.

24 JUROR MARIO TURNAGE: Yes, sir.

25 THE COURT: Here in the county. And would that
26 influence you or affect you in any way in being a fair
27 and impartial juror?

28 JUROR MARIO TURNAGE: No.

29 THE COURT: And how are you related to Mr.

1 Campbell?

2 JUROR MARIO TURNAGE: First cousin.

3 THE COURT: First cousin.

4 And Mr. Biggers, who is it you are related to?

5 JUROR WILLIAM BIGGERS: Father police chief
6 here in Winona.

7 THE COURT: And would that be a factor or
8 influence you in being a fair juror?

9 JUROR WILLIAM BIGGERS: Yes, sir. He worked
10 with one of the victim's fathers.

11 THE COURT: Okay. And what was your father's
12 name?

13 JUROR WILLIAM BIGGERS: William Dillard
14 Biggers, Sr.

15 THE COURT: Thank you. You can be seated.

16 Number 84. Miss Young, and who is it that is in law
17 enforcement?

18 JUROR JOSSIE YOUNG: Michael Gross.

19 THE COURT: And how are you related to him?

20 JUROR JOSSIE YOUNG: Second cousin.

21 THE COURT: And for the record, where does he
22 serve in law enforcement?

23 JUROR JOSSIE YOUNG: Police.

24 THE COURT: Here in Winona; right?

25 JUROR JOSSIE YOUNG: Winona.

26 THE COURT: And would that influence you or
27 affect you in being a fair and impartial juror in this
28 case?

29 JUROR JOSSIE YOUNG: No, sir.

1 THE COURT: Okay. Thank you.

2 And Number 87. Miss Bell, and your husband is
3 former reserve deputy and police here in the county, in
4 the city; is that correct?

5 JUROR JO BELL: Yes.

6 THE COURT: And would that affect you in any
7 way in being a fair and impartial juror in this case?

8 JUROR JO BELL: No, sir.

9 THE COURT: Okay. Thank you.

10 Number 90. Mr. Blaylock, your mother worked for the
11 Winona Police Department as a clerk; is that correct?

12 JUROR DAVID BLAYLOCK: Still does. Yes, sir.

13 THE COURT: Still does. And would that
14 influence you or affect you in being a fair and impartial
15 juror in this case?

16 JUROR DAVID BLAYLOCK: No, sir.

17 THE COURT: Okay. Thank you.

18 And Mr. Matthews, you are related to the sheriff.

19 JUROR HARLEY MATTHEWS: Yes, sir.

20 THE COURT: And how are you related?

21 JUROR HARLEY MATTHEWS: Brother-in-law.

22 THE COURT: Would that affect you in any way or
23 influence you in being a fair and impartial juror in this
24 case?

25 JUROR HARLEY MATTHEWS: No, sir.

26 THE COURT: Okay. Thank you.

27 And Miss Hodges, you are related to Jimmy Holly; is
28 that correct?

29 JUROR SALLIE HODGES: Right.

1 THE COURT: With the state trooper.

2 JUROR SALLIE HODGES: Right.

3 THE COURT: And how are you related? Cousin?

4 JUROR SALLIE HODGES: First cousin.

5 THE COURT: First cousin. Would that influence
6 you or affect you in being a fair and impartial juror in
7 this case?

8 JUROR SALLIE HODGES: No. My husband is also a
9 first cousin to Johnny and David Johnson.

10 THE COURT: And would those factors influence
11 you at all?

12 JUROR SALLIE HODGES: (Shook head.)

13 THE COURT: Okay. Thank you.

14 And Miss Corder, who is it you are related to?

15 JUROR DIANNE CORDER: Sheriff Yates is only
16 like, maybe, a fourth cousin of mine.

17 THE COURT: And would that influence you in any
18 way in being a fair and impartial juror in this case?

19 JUROR DIANNE CORDER: Absolutely not.

20 THE COURT: Okay. Thank you.

21 Miss Boyle, your brother-in-law is a sheriff's
22 deputy; is that...

23 JUROR MARTHA BOYLE: He was in Tupelo and a
24 city cop in Grenada.

25 THE COURT: He's -- excuse me.

26 JUROR MARTHA BOYLE: He was a city cop in
27 Grenada and a deputy in Tupelo.

28 THE COURT: In Tupelo. And is he out of law
29 enforcement now?

1 JUROR MARTHA BOYLE: I think he works for the
2 capital in Jackson.

3 THE COURT: Okay. And would those factors
4 influence you or affect you in being a fair juror in this
5 case?

6 JUROR MARTHA BOYLE: No.

7 THE COURT: Okay. Thank you.

8 Miss Butts, who is it you are related to?

9 JURY MARY BUTTS: Former police officer.
10 Marvae Butts.

11 THE COURT: What was his first name?

12 JURY MARY BUTTS: Marvae Butts.

13 THE COURT: Did he work here in Winona?

14 JURY MARY BUTTS: City police officer.

15 THE COURT: Would that influence you in any way
16 in being a fair and impartial juror in this case?

17 JURY MARY BUTTS: No, sir.

18 THE COURT: Okay. Thank you.

19 Mr. Ward, you formerly served in Grenada Police
20 Department; is that correct?

21 JUROR DENNIS WARD: Yes, sir.

22 THE COURT: And did you -- and for Holmes
23 Community College.

24 JUROR DENNIS WARD: Yes, sir.

25 THE COURT: And would those factors influence
26 you or affect you in any way in being a fair and
27 impartial juror in this case?

28 JUROR DENNIS WARD: No, sir.

29 THE COURT: Okay. Thank you.

1 And Miss Lancaster, who is it you are related to?

2 JUROR ANGELA LANCASTER: I have a first cousin
3 that is on the police force in Duck Hill, Kevin Able.

4 THE COURT: And would that influence you or
5 affect you in being a fair and impartial juror in this
6 case?

7 JUROR ANGELA LANCASTER: No, sir.

8 THE COURT: Okay. Thank you.

9 Number 112. Miss Clay, you are related to Jessie
10 Liddell, retired trooper; is that correct?

11 JUROR SHEILA CLAY: Yes, sir.

12 THE COURT: And how are you related to him?

13 JUROR SHEILA CLAY: Uncle.

14 THE COURT: And would that be a factor or
15 influence you at all in being a fair and impartial juror
16 in this case?

17 JUROR SHEILA CLAY: No, sir.

18 THE COURT: Okay. Thank you.

19 Mr. Butts, you are related to Marion Butts, Winona
20 police department; is that --

21 JUROR LEWIS BUTTS: Marvae Butts.

22 THE COURT: Marvae. Okay.

23 JUROR LEWIS BUTTS: Former, former police
24 officer.

25 THE COURT: And would that affect you in any
26 way in being a fair juror in this case?

27 JUROR LEWIS BUTTS: I don't think so.

28 THE COURT: Any doubt in your mind?

29 JUROR LEWIS BUTTS: I don't think so.

1 THE COURT: No. Any doubt? I mean I --

2 JUROR LEWIS BUTTS: Not sure.

3 THE COURT: So you are saying it would not
4 affect you.

5 JUROR LEWIS BUTTS: I'm not sure.

6 THE COURT: So you've got some doubts then.

7 JUROR LEWIS BUTTS: (Nodded.)

8 THE COURT: Okay. Mr. Woods, Number 118,
9 Anthony Austin, former Winona police. Is that --

10 JUROR NICHOLAS WOODS: Correct.

11 THE COURT: And how are you kin to him?

12 JUROR NICHOLAS WOODS: Cousin by marriage.

13 THE COURT: Would that influence you or be a
14 factor in you being a fair juror in this case?

15 JUROR NICHOLAS WOODS: No.

16 THE COURT: Okay. Thank you.

17 And Mr. Roberts, who was in your family that was in
18 law enforcement?

19 JUROR BOBBY ROBERTS: My step-father. He was
20 former sheriff of Montgomery County.

21 THE COURT: Who was that?

22 JUROR BOBBY ROBERTS: Bill Thornburg.

23 THE COURT: Mr. Thornburg, I think, is going to
24 be a witness in this case. And would that affect you
25 knowing that he is a witness in this case? Would that
26 affect you in being a fair juror in this case?

27 JUROR BOBBY ROBERTS: No, it would not.

28 THE COURT: And would you just consider his
29 testimony along with everybody else's? And the fact that

1 he is your step-father, would that play any role in you
2 being a fair juror in this case?

3 JUROR BOBBY ROBERTS: No.

4 THE COURT: Okay. Thank you.

5 And Mr. Hemphill, who are you related to?

6 JUROR BENJAMIN HEMPHILL: Calvin. Calvin
7 Young, Jr.

8 THE COURT: And how are you related to him?

9 JUROR BENJAMIN HEMPHILL: Cousin.

10 THE COURT: Do you know what degree of kinship?

11 JUROR BENJAMIN HEMPHILL: First.

12 THE COURT: First cousin.

13 JUROR BENJAMIN HEMPHILL: Right.

14 THE COURT: And would that affect you in being
15 a fair and impartial juror in this case?

16 JUROR BENJAMIN HEMPHILL: No, sir.

17 THE COURT: Okay. Thank you.

18 Miss Yates, your husband is, is Gary Yates; is that
19 correct?

20 JUROR ESSIE YATES: Yes, sir.

21 THE COURT: And he served in law enforcement
22 for about 10 years in Winona; is that correct?

23 JUROR ESSIE YATES: Correct.

24 THE COURT: And would that influence you or be
25 a factor in you being a fair and impartial juror in this
26 case?

27 JUROR ESSIE YATES: Yes.

28 THE COURT: It would. So you feel like because
29 you are married to a former officer you couldn't be fair.

1 JUROR ESSIE YATES: I just say no, I couldn't
2 be fair.

3 THE COURT: Okay. Thank you.

4 Mr. Vance, who is it you are related to?

5 JUROR JIMMY VANCE: Pardon.

6 THE COURT: Who are you related to that is in
7 law enforcement?

8 JUROR JIMMY VANCE: I have a stepson in Grenada
9 that is in law enforcement.

10 THE COURT: Now, who is it? How are you kin?

11 JUROR JIMMY VANCE: My stepson.

12 THE COURT: Stepson. Okay. And that's in
13 Grenada.

14 JUROR JIMMY VANCE: Grenada.

15 THE COURT: And would that be a factor or
16 influence you at all in being a fair juror?

17 JUROR JIMMY VANCE: No, sir, that wouldn't.
18 But I also served under Sheriff Robert Tompkins.

19 THE COURT: Done what now?

20 JUROR JIMMY VANCE: Served under Sheriff Robert
21 Tompkins.

22 THE COURT: Okay. You were a deputy yourself.

23 JUROR JIMMY VANCE: Yes, sir.

24 THE COURT: And would that influence you or
25 affect you in being a fair juror in this case?

26 JUROR JIMMY VANCE: Yes, sir.

27 THE COURT: Okay. Thank you.

28 Okay. Ma'am, what is your...

29 JUROR JAMITA SMITH: 147.

1 THE COURT: Okay. 147. Then I'll get to 149.
2 Who are you related to?

3 JUROR JAMITA SMITH: Johnny Hargrove.

4 THE COURT: And how are you kin to the chief
5 here?

6 JUROR JAMITA SMITH: He is my cousin.

7 THE COURT: Cousin.

8 JUROR JAMITA SMITH: Yes.

9 THE COURT: And I think he is supposed to be a
10 witness in this case. Would the fact that you're a
11 cousin of Chief Hargrove, would that be a factor or
12 influence you at all in being a fair juror?

13 JUROR JAMITA SMITH: No, sir.

14 THE COURT: And you will just consider his
15 testimony along with anybody else's and --

16 JUROR JAMITA SMITH: Yes, sir, I would be fair.

17 THE COURT: Ma'am.

18 JUROR JAMITA SMITH: I said I will be fair and
19 listen.

20 THE COURT: Okay. Thank you.

21 And Miss Crawford, you are also a cousin of the
22 chief.

23 JUROR EMMA CRAWFORD: First cousin. Brother
24 and sister children.

25 THE COURT: First cousin. Say that...

26 JUROR EMMA CRAWFORD: First cousin.

27 THE COURT: Okay.

28 JUROR EMMA CRAWFORD: Brother and sister
29 children.

1 THE COURT: Okay. And would that influence
2 you?

3 JUROR EMMA CRAWFORD: I, I really can't say.
4 It might and it might not. I really can't say.

5 THE COURT: So you have got a doubt in your own
6 mind about whether you could be a fair and impartial
7 juror.

8 JUROR EMMA CRAWFORD: Yes.

9 THE COURT: And as I told this other lady, I
10 think Chief Hargrove is going to be a witness in this
11 case. So would you be able to just consider his
12 testimony like you would anybody else's, or would you
13 give his testimony greater weight or credibility because
14 you are related?

15 JUROR EMMA CRAWFORD: Well, I can't say. I
16 really can't say.

17 THE COURT: Okay.

18 JUROR EMMA CRAWFORD: I can't say.

19 THE COURT: But you do have some doubts about
20 it.

21 JUROR EMMA CRAWFORD: I do.

22 THE COURT: Okay. Mr. Taylor, I believe you
23 said you had some uncles that were state troopers; is
24 that correct?

25 JUROR MICHAEL TAYLOR: Yeah. One state
26 trooper. One parole officer.

27 THE COURT: And who are they?

28 JUROR MICHAEL TAYLOR: James Hunter Williams,
29 highway patrol. And Ellis Bevis, parole officer.

1 THE COURT: And Mr. Taylor, would those factors
2 influence you or affect you in being a fair and impartial
3 juror in this case?

4 JUROR MICHAEL TAYLOR: No, sir.

5 THE COURT: Okay. Thank you.

6 And 137. Miss Malone, you are -- your uncle, Floyd
7 Wolfe, was a constable in Grenada.

8 JUROR LINDA MALONE: Right.

9 THE COURT: Is that correct?

10 JUROR LINDA MALONE: Right.

11 THE COURT: And would that influence you or
12 affect you in being a fair and impartial juror in this
13 case?

14 JUROR LINDA MALONE: No.

15 THE COURT: Okay. Thank you.

16 And Miss Dumas, your son is a law officer in
17 Grenada; is that correct?

18 JUROR RUBY DUMAS: Not anymore. He is a
19 policeman for the airport in Memphis.

20 THE COURT: For who?

21 JUROR RUBY DUMAS: For the airport --

22 THE COURT: Okay.

23 JUROR RUBY DUMAS: -- in Memphis.

24 THE COURT: And, and where does he work? What
25 airport again?

26 JUROR RUBY DUMAS: Memphis.

27 THE COURT: Memphis. Okay. And would that
28 influence you or be a factor in you being a fair and
29 impartial juror in this case?

1 JUROR RUBY DUMAS: No.

2 THE COURT: Okay. Thank you.

3 And then Mr. Jackson, Number 141, your father is
4 former law enforcement officer in Grenada; is that
5 correct?

6 JUROR ARTHUR JACKSON: Yes, sir.

7 THE COURT: And would that be an influence or
8 affect you in any way being a fair juror in this case?

9 JUROR ARTHUR JACKSON: No, sir.

10 THE COURT: Okay. Thank you.

11 And Miss Williams, Number 142, your father is a law
12 officer in Montgomery County.

13 JUROR TAMMY WILLIAMS: State trooper.

14 THE COURT: Who is that?

15 JUROR TAMMY WILLIAMS: James Taylor Williams.

16 THE COURT: Would that influence you or affect
17 you in being a fair and impartial juror in this case?

18 JUROR TAMMY WILLIAMS: Yes, sir.

19 THE COURT: Number 143. Mr. Campbell, former
20 sheriff here was your brother; is that correct?

21 JUROR DEWEY CAMPBELL: Right.

22 THE COURT: And would that influence you or
23 affect you in being a fair and impartial juror in this
24 case?

25 JUROR DEWEY CAMPBELL: Yes, sir.

26 THE COURT: It would affect you. Okay. Thank
27 you.

28 145. Mr. Herrod, your son was Winona police
29 department and now deputy sheriff; is that correct?

1 JUROR DANNY HEROD: Yes, sir.

2 THE COURT: And who is that?

3 JUROR DANNY HEROD: Dan Herrod.

4 THE COURT: And would that influence you or
5 affect you in any way in being a fair and impartial juror
6 in this case?

7 JUROR DANNY HEROD: Yes, it would.

8 THE COURT: And Number 153. Miss Butts, who is
9 it that you are related to in law enforcement?

10 JUROR NORA BUTTS: Former police department
11 worker, Marvae Butts.

12 THE COURT: Was that here in Winona?

13 JUROR NORA BUTTS: Correct.

14 THE COURT: And how were you related to Mr.
15 Butts?

16 JUROR NORA BUTTS: Brother-in-law.

17 THE COURT: Would that be a factor or influence
18 you at all in being a fair juror in this case?

19 JUROR NORA BUTTS: It would not.

20 THE COURT: Okay. Thank you.

21 Mr. Tompkins, how -- what is that relationship?

22 JUROR DANNY TOMPKINS: Sir.

23 THE COURT: Who are you related to that was in
24 law enforcement?

25 JUROR DANNY TOMPKINS: I am.

26 THE COURT: Oh, okay. You are. I see now.
27 You are a game warden. Were you kin to Robert Tompkins?

28 JUROR DANNY TOMPKINS: Yes, sir.

29 THE COURT: How were you and Robert kin?

1 JUROR DANNY TOMPKINS: First cousins.

2 THE COURT: Would that influence you or affect
3 you, either -- any of these relationships in law
4 enforcement, that be a factor in any way in you being a
5 fair and impartial juror?

6 JUROR DANNY TOMPKINS: No.

7 THE COURT: And Number 158. Mr. Moore, you are
8 kin to Emory Moore, who was -- used to be a Duck Hill
9 officer; is that correct?

10 JUROR GEORGE MOORE: That's correct.

11 THE COURT: And how are you kin to Emory Moore?

12 JUROR GEORGE MOORE: My father, sir.

13 THE COURT: And would that be a factor or
14 influence you at all in being a fair and impartial juror
15 in this case?

16 JUROR GEORGE MOORE: Yes, it would.

17 THE COURT: And Number 160. Miss Moore, who
18 are you related to?

19 JUROR JEANETTE MOORE: To my father-in-law,
20 Emory Moore. He is my father-in-law.

21 THE COURT: So were you and George --

22 JUROR JEANETTE MOORE: We are husband and wife.

23 THE COURT: Okay. And would that influence you
24 or be a factor in you being a fair and impartial juror,
25 the fact that your father-in-law was, was Emory Moore.

26 JUROR JEANETTE MOORE: No, sir.

27 THE COURT: Okay. Thank you.

28 JUROR JEANETTE MOORE: You're welcome.

29 THE COURT: Ladies and gentlemen, this would be

1 a good time -- I'm sorry.

2 163. Miss McGowan, who is it that you are related
3 to?

4 JUROR BEVERLY MCGOWAN: My sister. She is a
5 retired police officer in Houston, Texas.

6 THE COURT: Would that factor influence you at
7 all in being a fair juror?

8 JUROR BEVERLY MCGOWAN: No, sir.

9 THE COURT: It would not.

10 Okay. Thank you.

11 What I was going to -- yes, Number 15.

12 JUROR RONALD BENNETT: I didn't realize you
13 were going to second cousins. I have a second cousin.

14 THE COURT: And who is that?

15 JUROR RONALD BENNETT: Johnny Grantham.

16 THE COURT: And you and Johnny are second
17 cousins.

18 JUROR RONALD BENNETT: Second cousin.

19 THE COURT: Would that influence you or affect
20 you in being a fair juror in this case?

21 JUROR RONALD BENNETT: No, sir.

22 THE COURT: Okay. Thank you.

23 And Mr. Bennett just spoke up to illustrate a point
24 that I was about to make. Sometimes we will go on to a,
25 you know, a question down the line and suddenly you will
26 realize oh, I should have spoken up to a previous
27 question. Please always do that.

28 We want complete answers from all of you on all
29 questions. So even if we have moved on to something else

1 and you think about it and realize you should have spoken
2 up previously, please, raise that fan and do that.

3 Okay. Miss, Miss Boles, what, what was that that
4 you...

5 JUROR RUTHIE BOLES: Marcus Holman. I used to
6 be married in that family one time.

7 THE COURT: Married to who?

8 JUROR RUTHIE BOLES: To his uncle.

9 THE COURT: To whose uncle?

10 JUROR RUTHIE BOLES: Marcus Holman.

11 THE COURT: And is he --

12 JUROR RUTHIE BOLES: It has been a hundred
13 years ago.

14 THE COURT: Okay. And he is in law
15 enforcement; correct?

16 JUROR RUTHIE BOLES: (Nodded.)

17 THE COURT: And would that be a factor at all
18 in you being a fair juror? Would that influence you at
19 all?

20 JUROR RUTHIE BOLES: No.

21 THE COURT: Okay. Thank you.

22 Miss Riddell. Number 3.

23 JUROR JENNIFER RIDDELL: I have a first cousin
24 that actually when I filled that out he was FBI, but he
25 was not. He is just Jackson police, but it wouldn't
26 affect my decision.

27 THE COURT: Okay. Thank you.

28 And Number 24.

29 JUROR JAMES DENDY: I have a very distant

1 cousin, Bobby Hardin, Batesville P.D.

2 THE COURT: In Batesville.

3 JUROR JAMES DENDY: (Nodded.)

4 THE COURT: And would that influence you or be
5 a factor in you being a fair juror?

6 JUROR JAMES DENDY: No, sir.

7 THE COURT: Okay. Thank you.

8 And Number 4. Mr. Forrest.

9 JUROR WILLIE FORREST: Marcus Hall.

10 THE COURT: And how are you kin?

11 JUROR WILLIE FORREST: Second cousin. Highway
12 patrol.

13 THE COURT: Would that factor influence you or
14 cause you in any way to -- affect you in any way in being
15 a fair juror?

16 JUROR WILLIE FORREST: No, it would not.

17 THE COURT: Okay. Thank you.

18 And Number 27. Mr. Sanders, what is that situation?
19 I mean Miss Sanders. I looked down at the wrong name.
20 What is that situation?

21 JUROR FRANCES SANDERS: Kevin Jones, Jr. First
22 cousin.

23 THE COURT: And would that influence you or be
24 a factor in you being a fair juror in this case?

25 JUROR FRANCES SANDERS: No.

26 THE COURT: Okay. Thank you.

27 And then Mr. Bailey.

28 JUROR WAYNE BAILEY: My sister, Linda King. I
29 think she is secretary to the federal prosecutor in

1 Oxford, but I'm not exactly sure what her job is.

2 THE COURT: Okay. And I believe you had
3 already said you're stepson to Mr. Able, who worked law
4 enforcement here.

5 Would the fact that your sister works in that
6 capacity influence you at all in being a fair juror?

7 JUROR WAYNE BAILEY: No, sir.

8 THE COURT: Okay. Thank you.

9 Miss Braswell, what is that situation?

10 JUROR BURNADETTE BRASWELL: Robert Tompkins was
11 my fourth or fifth cousin. And my husband has a nephew
12 that is in some law enforcement in Grenada, but I don't
13 know what.

14 THE COURT: And would those factors influence
15 you at all in being a fair juror in this case?

16 JUROR BURNADETTE BRASWELL: No, sir.

17 THE COURT: Okay. Thank you.

18 And Number 57. Mr. Colbert, what is that situation?

19 JUROR JAMES COLBERT: Brother-in-law worked for
20 Winona Police Department, Marvin Halfacre, for about
21 three months.

22 THE COURT: Would that influence you or affect
23 you in being a fair juror in this case?

24 JUROR JAMES COLBERT: No, sir.

25 THE COURT: Okay. Thank you.

26 And Number 62. Mr. King.

27 JUROR JUSTIN KING: Mr. David Johnson and John
28 Johnson, distant cousins.

29 THE COURT: And would that influence you in

1 being a fair juror in this case?

2 JUROR JUSTIN KING: (Shook head.)

3 THE COURT: Okay. Thank you.

4 And 63. Mr. Miller.

5 JUROR DAVID MILLER: First cousin. Grenada
6 police.

7 THE COURT: And who is that?

8 JUROR DAVID MILLER: Jerry Miller.

9 THE COURT: Would that influence you or affect
10 you at all in being a fair juror?

11 JUROR DAVID MILLER: (Shook head.)

12 THE COURT: Okay. Thank you.

13 Number 79.

14 JUROR JOHN AUSTIN: My grandfather is retired
15 state trooper.

16 THE COURT: Would that influence you or affect
17 you in being a fair juror in this case?

18 JUROR JOHN AUSTIN: No, sir.

19 THE COURT: Okay. Thank you.

20 Number 126. Miss Caffey, what is that situation?

21 JUROR LOUISE CAFFEY: I have three second
22 cousins in Jackson who are police officers.

23 THE COURT: Three what now?

24 JUROR LOUISE CAFFEY: Three second cousins.

25 THE COURT: Three second cousins.

26 JUROR LOUISE CAFFEY: Yes.

27 THE COURT: And would those factors influence
28 you or affect you in being a fair juror in this case?

29 JUROR LOUISE CAFFEY: Not at all.

1 THE COURT: Okay. Thank you.

2 Mr. Hathcock, what is that situation?

3 JUROR MICHAEL HATHCOCK: Two retired first
4 cousins. Retired highway patrolmen. Holmes County.

5 THE COURT: Would that influence you at all in
6 being a fair juror in this case?

7 JUROR MICHAEL HATHCOCK: No, sir.

8 THE COURT: Okay. Thank you.

9 And Miss Thompson.

10 JUROR EULANDIA THOMPSON: I have a second
11 cousin with Montgomery County Sheriff's Department,
12 Calvin Young, Jr.

13 THE COURT: Would that influence you or be a
14 factor in you being a fair juror in this case?

15 JUROR EULANDIA THOMPSON: No, sir.

16 THE COURT: Thank you.

17 And Number 142.

18 JUROR TAMMY WILLIAMS: My uncle is a
19 corrections officer.

20 THE COURT: And that is Mr. Bevis.

21 JUROR TAMMY WILLIAMS: Yes.

22 THE COURT: And I believe you have already said
23 because your father is a trooper, you don't feel you
24 could be fair and impartial; is that correct?

25 JUROR TAMMY WILLIAMS: Yes, sir.

26 THE COURT: Okay. Thank you.

27 And then Number 149. Miss Crawford.

28 JUROR EMMA CRAWFORD: Anthony Austin is my
29 second cousin.

1 THE COURT: Who?

2 JUROR EMMA CRAWFORD: Anthony Austin.

3 THE COURT: And for the record, how -- where,
4 where is he in law enforcement?

5 JUROR EMMA CRAWFORD: Winona Police Department.

6 THE COURT: And he is your...

7 JUROR EMMA CRAWFORD: Second cousin.

8 THE COURT: Second cousin. And, and I know you
9 have already said you got a doubt in your mind because of
10 Chief Hargrove. How about Mr. Austin's involvement in
11 law enforcement? Would that also affect you --

12 JUROR EMMA CRAWFORD: Yes.

13 THE COURT: -- in being a fair and impartial
14 juror?

15 JUROR EMMA CRAWFORD: Yes.

16 THE COURT: Or do you have some doubts in your
17 mind whether you can be fair because of that?

18 JUROR EMMA CRAWFORD: Yeah, because I, I would
19 be concerned about their safety. So...

20 THE COURT: So you feel like you couldn't be a
21 fair and impartial juror because of that.

22 JUROR EMMA CRAWFORD: Yes.

23 THE COURT: Okay. Thank you.

24 And Mr. Costilow.

25 JUROR BENNY COSTILOW: I have a first cousin
26 that was sheriff here in Montgomery County.

27 THE COURT: Is that Billy?

28 JUROR BENNY COSTILOW: That's Billy.

29 THE COURT: And would that influence you or

1 affect you in being a fair and impartial juror in this
2 case?

3 JUROR BENNY COSTILOW: No, sir.

4 THE COURT: Okay. Thank you.

5 And Number 95. Miss Hodges, what is --

6 JUROR SALLIE HODGES: I'm related by marriage
7 to Billy Costilow, former sheriff.

8 THE COURT: And would that influence you or
9 affect you in being a fair juror in this case?

10 JUROR SALLIE HODGES: No.

11 THE COURT: Okay. Thank you.

12 Now, ladies and gentlemen, this case is for trial
13 today because an indictment was issued by the grand jury.
14 An indictment is just a formal charge that gets a case
15 here to you for trial. An indictment is not an
16 indication of the guilt or innocence of the person on
17 trial. It is just, as I say, the process that is used to
18 get a case for trial.

19 So I want to know -- and, and let me just say you
20 are to disregard the fact that, that there was an
21 indictment and base your decision only on the evidence
22 presented here in court and not on the fact that there
23 was an indictment issued.

24 So is there any one of you that could not disregard
25 the fact that there was an indictment and base your
26 decision only on the evidence presented here in court?
27 Is there any one of you that could not disregard the fact
28 there was an indictment and base your decision only on
29 the evidence?

1 And I take it by your silence you are each assuring
2 me that you will only base your decision on the evidence
3 and not on the fact there was an indictment.

4 Now, the burden of proof in this case, as it is in
5 all criminal cases, is they have to prove the defendant
6 guilty beyond a reasonable doubt. The defendant is not
7 required to prove his innocence. In fact, the burden of
8 proof never shifts to him to prove anything at all.

9 So is there any one of you that disagree with what
10 the burden of proof is or think it should be either
11 greater than beyond a reasonable doubt or lesser than
12 beyond a reasonable doubt?

13 I take it each of you are assuring me that you do
14 understand the burden of proof and understand that it is
15 on the State of Mississippi.

16 I'm going to go through now with you the nature of
17 the charge. Curtis Giovanni Flowers is charged in a
18 four-count indictment charged with capital murder. It is
19 charged that on or about the 16th day of July, 1996, he
20 did willfully, unlawfully, feloniously and either with or
21 without deliberate design to effect death, kill and
22 murder Bertha Tardy, Robert L. Golden, Carmine Rigby and
23 Derrick Stewart, all human beings, by shooting them with
24 a pistol, while engaged in the commission of a felony
25 crime of armed robbery. So again, that is the charge
26 today Mr. Flowers stands before the Court on, is four
27 counts of capital murder.

28 So I'm going to ask you now a few questions about
29 the individuals involved. Any of you related by blood or

1 by marriage to Bertha Tardy? If you are, if you will,
2 please, stand.

3 And Mr. Bennett, how are you related to Miss Tardy?

4 JUROR WILLIAM BENNETT: Second cousin with Miss
5 Tardy.

6 THE COURT: Second cousin. And would that
7 influence you or be a factor in you being a fair and
8 impartial juror in this case?

9 JUROR WILLIAM BENNETT: Yes, it would.

10 THE COURT: So -- okay. Thank you.

11 And Number 49. Mr. Reed, how were you kin to Miss
12 Tardy?

13 JUROR ROBERT REED: My wife's first -- was my
14 wife's first cousin.

15 THE COURT: Would that influence you or affect
16 you in being a fair and impartial juror in this case?

17 JUROR ROBERT REED: Yes, sir.

18 THE COURT: Okay. Thank you.

19 And Mr. Hudson, how were you related to Miss Tardy?

20 JUROR JAMIE HUDSON: Bertha's mother was
21 married to my cousin, Sam Wofford.

22 THE COURT: Her mother was married to...

23 JUROR JAMIE HUDSON: My cousin.

24 THE COURT: Would that be a factor or influence
25 you at all in being a fair juror in this case?

26 JUROR JAMIE HUDSON: No, sir.

27 THE COURT: Okay. Thank you.

28 And Number 117. Mr. Bennett, how is that?

29 JUROR JOHN BENNETT: Second cousin.

1 THE COURT: To Bertha Tardy. Would that
2 influence you or be a factor in you being a fair and
3 impartial juror in this case?

4 JUROR JOHN BENNETT: No, sir.

5 THE COURT: And you could lay that aside and
6 not have that be a factor at all in you being a fair
7 juror; is that correct?

8 JUROR JOHN BENNETT: (Nodded.)

9 THE COURT: Okay. Thank you.

10 I want to know how many of you knew Bertha Tardy now
11 that I've got through with people that were related to
12 her. But how many of you just knew who she was, if you
13 will stand now.

14 Mr. Pope, how did you know Miss Tardy?

15 JUROR JAMES POPE: She was my neighbor, and I
16 also traded down there at the store.

17 THE COURT: And would that influence you or be
18 a factor at all in you being a fair and impartial juror
19 in this case?

20 JUROR JAMES POPE: No, sir.

21 THE COURT: So it would not affect you or
22 bother you serving on a jury knowing that she was your
23 neighbor and you used to work -- do business at the
24 store; is that correct?

25 JUROR JAMES POPE: Right.

26 THE COURT: Okay. Thank you.

27 And Number 14. Mr. Moorehead, how did you know Miss
28 Tardy?

29 JUROR ROBERT MOOREHEAD: I done business with

1 her. And her daughter lives right across the street from
2 me. She is my neighbor.

3 THE COURT: And who is her daughter?

4 JUROR ROBERT MOOREHEAD: Roxanne.

5 THE COURT: What is her last name?

6 JUROR ROBERT MOOREHEAD: She is married to
7 Frank Ballard.

8 THE COURT: So this is Miss Ballard --

9 JUROR ROBERT MOOREHEAD: Miss Ballard.

10 Correct.

11 THE COURT: -- that you live across the street
12 from.

13 JUROR ROBERT MOOREHEAD: Correct.

14 THE COURT: And would these factors influence
15 you or affect you in being a fair and impartial juror in
16 this case?

17 JUROR ROBERT MOOREHEAD: Yes.

18 THE COURT: Okay. Thank you.

19 And Number 13. Miss Holland, how did you know Miss
20 Tardy?

21 JUROR TINA HOLLAND: I just knew she owned the
22 furniture store, ran the furniture store.

23 THE COURT: And would that influence you or be
24 a factor in you being a fair and impartial juror in this
25 case?

26 JUROR TINA HOLLAND: No, sir.

27 THE COURT: Okay. Thank you.

28 And Mr. Bennett, you knew Miss Tardy.

29 JUROR RONALD BENNETT: Yes. I just traded with

1 her on occasion.

2 THE COURT: Would that influence you or affect
3 you in being a fair and impartial juror in this case?

4 JUROR RONALD BENNETT: No.

5 THE COURT: It would not.

6 JUROR RONALD BENNETT: No.

7 THE COURT: Okay. Thank you.

8 Number 21. Miss McNeer, and you knew Miss Tardy.

9 JUROR SHIRLEY MCNEER: I knew her for a number
10 of years as a fellow business person, and I also traded
11 with her on several occasions.

12 THE COURT: And would that influence you or be
13 a factor in you being a fair and impartial juror?

14 JUROR SHIRLEY MCNEER: No, sir.

15 THE COURT: Okay. Thank you.

16 And Miss Branch, you knew Miss Tardy.

17 JUROR LISA BRANCH: Yes, sir.

18 THE COURT: And how did you know her?

19 JUROR LISA BRANCH: Just business. I bought
20 furniture from Tardy's.

21 THE COURT: And would that be a influence or
22 factor in you being a fair and impartial juror in this?

23 JUROR LISA BRANCH: No, sir. No, sir.

24 THE COURT: Okay. Thank you.

25 And Number 30. Miss Ingram, how did you know Miss
26 Tardy?

27 JUROR REGINA INGRAM: I grew up in the church
28 that she attended and also traded with her.

29 THE COURT: And would those factors influence

1 you or affect you in being a fair and impartial juror in
2 this case?

3 JUROR REGINA INGRAM: Yes, sir.

4 THE COURT: Okay. Thank you.

5 And 31. Mr. Knox, how did you know Miss Tardy?

6 JUROR ORMAN KNOX: Purchasing furniture. And
7 her daughter and myself attended the same college.

8 THE COURT: Would that be the lady that was
9 just spoken of a minute ago?

10 JUROR ORMAN KNOX: Miss Ballard.

11 THE COURT: Miss Ballard. Would those factors
12 influence you or be a factor in you being a fair and
13 impartial juror in this case?

14 JUROR ORMAN KNOX: No, sir.

15 THE COURT: And I think Miss Ballard may be on
16 a potential witness list. If she testified in this case,
17 would that be a factor or influence you in being a fair
18 juror?

19 JUROR ORMAN KNOX: No, sir.

20 THE COURT: Okay. Thank you.

21 And Number 32. Miss Johnson, what is that
22 situation?

23 JUROR CINDY JOHNSON: I did not know Miss
24 Tardy. I know the Ballards through my son, eldest son,
25 who was in the same grade as their oldest child.

26 THE COURT: Would that be a factor or influence
27 you in being a fair juror in this case?

28 JUROR CINDY JOHNSON: No, sir.

29 THE COURT: Okay. Thank you.

1 Mr. Bibbs, you knew Miss Tardy; is that correct?

2 JUROR JAMES BIBBS: That's correct.

3 THE COURT: And how did you know her?

4 JUROR JAMES BIBBS: By doing business with her
5 down at the store.

6 THE COURT: And would that be a factor or
7 influence you in being a fair juror in this case?

8 JUROR JAMES BIBBS: No, sir.

9 THE COURT: Okay. Thank you.

10 And Number 36-A. Mr. Woods, how --

11 JUROR TERRY WOODS: Just doing business with
12 her, sir.

13 THE COURT: And would that influence you or be
14 a factor in you being a fair juror?

15 JUROR TERRY WOODS: No, sir.

16 THE COURT: Number 45. Miss Braswell.

17 JUROR BURNADETTE BRASWELL: I bought some
18 furniture from her.

19 THE COURT: And would that be a factor in you
20 being a fair and impartial juror?

21 JUROR BURNADETTE BRASWELL: No, sir.

22 THE COURT: Ladies and gentlemen, I think
23 before I get the rest of you, I see some of you are
24 probably needing a recess at this time. So we will
25 recess for 15 minutes. If you will, be back in here at
26 4:25.

27 During this recess and throughout the trial
28 proceedings, do not discuss this case with anyone or
29 among yourselves.

1 Also, you can't talk to any of the witnesses or the
2 attorneys or any parties involved in this case. If the
3 attorneys were to see you out in the hall or something,
4 they are going to walk right on by you. They are going
5 to ignore you. They are not doing that to offend you.
6 They are doing that because that is the court rules that
7 require them to do.

8 So we will be in recess. Look who you are sitting
9 next to and come back and sit in the same place after
10 this recess.

11 (AFTER A BREAK WAS TAKEN, PROCEEDINGS RESUMED IN OPEN
12 COURT. MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
13 CARTER AND THE DEFENDANT WERE PRESENT. PROCEEDINGS WERE AS
14 FOLLOWS:)

15 THE COURT: Ladies and gentlemen, Number 68 got
16 a call where her son had been in a car wreck, and I
17 allowed her to go check on him. And I asked her to be
18 back in the morning and -- if he is all right, to be back
19 in the morning and we can go through and catch her up on
20 the questions.

21 As we took the recess, there were a number of you
22 that had raised your hands advising that you knew Bertha
23 Tardy during her life. So those of you that we have not
24 gotten around to, if you will, please stand back up at
25 this time.

26 Okay. Miss Johnson, Number 47, you, you knew Miss
27 Tardy.

28 JUROR KAREN JOHNSON: Yes, sir. I frequently
29 shopped at Tardy's.

1 THE COURT: And would that influence you or
2 affect you in being a fair and impartial juror in this
3 case?

4 JUROR KAREN JOHNSON: No, sir.

5 THE COURT: Okay. Thank you.

6 And Number 50. Miss Rash, how did you know Miss
7 Tardy?

8 JUROR DYES RASH: I did business with her.

9 THE COURT: And would that influence you or be
10 a factor in you being a fair and impartial juror in this
11 case?

12 JUROR DYES RASH: No.

13 THE COURT: Okay. Thank you.

14 53. Miss Mitchell, how did you know Miss Tardy?

15 JUROR THERESA MITCHELL: At my previous job I
16 did dealer contracts with Tardy Furniture before and
17 after the murders. So I also went to high school with
18 Roxanne. We were in band together.

19 THE COURT: And would those factors influence
20 you or affect you in being a fair and impartial juror in
21 this case?

22 JUROR THERESA MITCHELL: Probably.

23 THE COURT: So you have got some doubts about
24 whether you could be fair because of that; is that
25 correct?

26 JUROR THERESA MITCHELL: Yes.

27 THE COURT: Okay. Thank you.

28 Number 55. Mr. White, what is that situation?

29 JUROR JOHN WHITE: She was my youth director

1 for several years at church.

2 THE COURT: And would that influence you or be
3 a factor in you being a fair and impartial juror?

4 JUROR JOHN WHITE: (Nodded.)

5 THE COURT: So you have got doubts in your own
6 mind about whether you could be fair or not because of
7 that.

8 JUROR JOHN WHITE: (Nodded.)

9 THE COURT: Okay. Thank you.

10 Number 60. Miss Blakely, how did you know Miss
11 Tardy?

12 JUROR SHIRLEY BLAKELY: I did business with
13 her.

14 THE COURT: At the store then.

15 JUROR SHIRLEY BLAKELY: Yes.

16 THE COURT: And would that influence you or be
17 a factor in you being a fair and impartial juror in this
18 case?

19 JUROR SHIRLEY BLAKELY: (Shook head.)

20 THE COURT: Okay. Thank you.

21 Number 79. Mr. Austin.

22 JUROR JOHN AUSTIN: Miss Tardy lived across the
23 street from my grandmother, and I know Roxanne Ballard
24 and her husband.

25 THE COURT: You knew -- know Miss Ballard.

26 JUROR JOHN AUSTIN: Yes, sir.

27 THE COURT: And would those factors influence
28 you or affect you in being a fair juror in this case?

29 JUROR JOHN AUSTIN: No, sir.

1 THE COURT: If Miss Ballard was a witness in
2 this case, would that affect you in any way?

3 JUROR JOHN AUSTIN: No, sir. No, sir.

4 THE COURT: Okay. Thank you.

5 Miss Butts, Number 80, you knew Miss Tardy.

6 JUROR JOYCE BUTTS: Yes, sir.

7 THE COURT: And how did you know her?

8 JUROR JOYCE BUTTS: I bought furniture from
9 her.

10 THE COURT: And would that influence you or be
11 a factor in you being a fair and impartial juror in this
12 case?

13 JUROR JOYCE BUTTS: No, sir.

14 THE COURT: Okay. Thank you.

15 And Mr. Turnage, how did you know Miss Tardy?

16 JUROR MARIO TURNAGE: From doing business with
17 her at the store.

18 THE COURT: And would that be a factor or
19 influence you in being a fair and impartial juror in this
20 case?

21 JUROR MARIO TURNAGE: No, it wouldn't.

22 THE COURT: Okay. Thank you.

23 And Mr. Biggers, how, how do you know...

24 JUROR WILLIAM BIGGERS: Neighbor for about 12
25 years and a family friend.

26 THE COURT: And would that influence you or be
27 a factor in you being a fair and impartial juror?

28 JUROR WILLIAM BIGGERS: Yes, sir.

29 THE COURT: Okay. Thank you.

1 I see Number 84. Miss Young, you knew Miss Tardy.

2 JUROR JOSSIE YOUNG: Yes, sir.

3 THE COURT: And how did you know her?

4 JUROR JOSSIE YOUNG: Bought furniture there.

5 THE COURT: And would that influence you or
6 affect you in any way in being a fair and impartial juror
7 in this case?

8 JUROR JOSSIE YOUNG: I don't think so.

9 THE COURT: You got any doubt in your mind
10 about it?

11 JUROR JOSSIE YOUNG: I might.

12 THE COURT: So you have got some doubts about
13 whether you could be fair because of knowing Miss Tardy;
14 is that...

15 JUROR JOSSIE YOUNG: (Nodded.)

16 THE COURT: Okay. Thank you.

17 Number 85. Okay. Mr. Carwile.

18 JUROR MARK CARWILE: Her daughter, Roxanne, was
19 a family friend of ours.

20 THE COURT: And would that influence you or
21 affect you in any way in being a fair and impartial
22 juror?

23 JUROR MARK CARWILE: Not at all.

24 THE COURT: Okay. And if Miss Ballard
25 testified in this case, would you consider her testimony
26 or give it greater weight or credibility than somebody
27 you did not know?

28 JUROR MARK CARWILE: (Shook head.)

29 THE COURT: Okay. Thank you.

1 Miss Ramsey, you knew Miss Tardy.

2 JUROR PEGGY RAMSEY: Yes, I did.

3 THE COURT: And how did you know her?

4 JUROR PEGGY RAMSEY: She and I attended school
5 together.

6 THE COURT: And would that influence you or
7 affect you in being a fair and impartial juror in this
8 case?

9 JUROR PEGGY RAMSEY: No, sir.

10 THE COURT: Okay. Thank you.

11 And Miss Bell.

12 JUROR JO BELL: I knew Miss Tardy at her
13 business. I did -- also did contracts and got some
14 accounts from with her with my business.

15 THE COURT: Now, what kind of contracts?

16 JUROR JO BELL: Sales contracts. I work at a
17 finance company and she -- we did some financing and
18 business. And I know Roxanne.

19 THE COURT: So you had a business relationship
20 with her and you know Miss Ballard, as well, her
21 daughter.

22 JUROR JO BELL: Yes, sir.

23 THE COURT: And would that influence you or
24 affect you in being a fair and impartial juror in this
25 case?

26 JUROR JO BELL: Yes, sir.

27 THE COURT: Okay. Thank you.

28 I'm sorry. Seventy-one. I missed your number a few
29 minutes ago. Miss Haynes, how, how did you know Miss

1 Tardy?

2 JUROR PATRICIA HAYNES: I bought furniture from
3 her.

4 THE COURT: Would that influence you or affect
5 you in being a fair and impartial juror in this case?

6 JUROR PATRICIA HAYNES: No. No.

7 THE COURT: Okay. Thank you.

8 Number 90. Mr. Blaylock, you knew Miss Tardy; is
9 that correct?

10 JUROR DAVID BLAYLOCK: Yes, sir.

11 THE COURT: How did you know her?

12 JUROR DAVID BLAYLOCK: She bought groceries at
13 the store I worked at every afternoon just about.

14 THE COURT: The store where you work; is that
15 correct?

16 JUROR DAVID BLAYLOCK: Yes, sir.

17 THE COURT: And would that affect you or be an
18 influence on you being a fair and impartial juror in this
19 case?

20 JUROR DAVID BLAYLOCK: I think it would.

21 THE COURT: Okay. Thank you.

22 Number 92. Miss Lane, you knew Miss Tardy.

23 JUROR KATHERINE LANE: Yes, sir.

24 THE COURT: And how did you know her?

25 JUROR KATHERINE LANE: I bought furniture from
26 her store.

27 THE COURT: Excuse me.

28 JUROR KATHERINE LANE: I bought furniture from
29 her store.

1 THE COURT: You knew her from the store.

2 JUROR KATHERINE LANE: Yes, sir.

3 THE COURT: And would that influence you or be
4 a factor in you being a fair juror in this case?

5 JUROR KATHERINE LANE: No, sir.

6 THE COURT: Thank you.

7 Number 93. Mr. Matthews, how did you know Miss
8 Tardy?

9 JUROR HARLEY MATTHEWS: Just through the store.

10 THE COURT: Would that influence you or be a
11 factor in you being a fair and impartial juror?

12 JUROR HARLEY MATTHEWS: No, sir.

13 THE COURT: Okay. Miss Hodges, how did you
14 know Miss Tardy?

15 JUROR SALLIE HODGES: Just through her
16 business.

17 THE COURT: And would that influence you or
18 affect you in being a fair and impartial juror in this
19 case?

20 JUROR SALLIE HODGES: No, sir.

21 THE COURT: Okay. Thank you.

22 And Number 98. Miss Harris, how did you know Miss
23 Tardy?

24 JUROR CARON HARRIS: I purchased furniture
25 there.

26 THE COURT: Would that influence you or be a
27 factor in you being a fair and impartial juror?

28 JUROR CARON HARRIS: No, sir.

29 THE COURT: Okay. Thank you.

1 And Miss Corder, how did you know Miss Tardy?

2 JUROR DIANNE CORDER: Just through business in
3 the store.

4 THE COURT: And would that influence you or be
5 a factor in you being a fair and impartial juror?

6 JUROR DIANNE CORDER: No, sir.

7 THE COURT: Thank you.

8 And Mr. Marlow, you knew Miss Tardy.

9 JUROR CLAUDE MARLOW: Yes, I did.

10 THE COURT: How, how did you know her?

11 JUROR CLAUDE MARLOW: I bought furniture from
12 her, and she was also a friend.

13 THE COURT: And did y'all socialize, your
14 family and her family?

15 JUROR CLAUDE MARLOW: Not lately.

16 THE COURT: Did you back when she was alive?

17 JUROR CLAUDE MARLOW: No. I did a lot of
18 mechanic work for her and her daughter.

19 THE COURT: Okay. And would that influence you
20 in any way in being a fair and impartial juror in this
21 case?

22 JUROR CLAUDE MARLOW: Yes, it would.

23 THE COURT: Okay. Thank you.

24 I don't see your number. 103. Miss Butts, how did
25 you know Miss Tardy?

26 JUROR MARY BUTTS: I bought furniture. And I
27 worked at Winona Dry Cleaner a couple of yards from it.

28 THE COURT: Okay. So you worked at the dry
29 cleaners right next door.

1 JUROR MARY BUTTS: (Nodded.)

2 THE COURT: And I assume by that you probably
3 would see her pretty often.

4 JUROR MARY BUTTS: (Nodded.)

5 THE COURT: And would that influence you or
6 affect you in being a fair and impartial juror in this
7 case?

8 JUROR MARY BUTTS: No, sir.

9 THE COURT: Would you base your decision only
10 on the evidence here in court?

11 JUROR MARY BUTTS: Yes, sir.

12 THE COURT: Okay. Thank you.

13 Mr. Hudson, I believe Mr. Tardy's mother was married
14 to your cousin; is that...

15 JUROR JAMIE HUDSON: Yes.

16 THE COURT: And did, did you have any other
17 knowledge of her besides that?

18 JUROR JAMIE HUDSON: I repaired her jewelry at
19 the store.

20 THE COURT: Would that affect you in any way in
21 being a fair and impartial juror in this case?

22 JUROR JAMIE HUDSON: No, sir.

23 THE COURT: Okay. Thank you.

24 And Mr. Glover, how did you know Miss Tardy?

25 JUROR EARL GLOVER: We bought furniture from
26 her store.

27 THE COURT: And would that influence you or
28 affect you in any way in being a fair juror in this case?

29 JUROR EARL GLOVER: No, sir.

1 THE COURT: Okay. Thank you.

2 Miss Legg, how did you know Miss Tardy?

3 JUROR CONNIE LEGG: Just through the store,
4 through furniture purchases. And my husband teaches,
5 teaches at the same school where Miss Ballard's kids go
6 to school.

7 THE COURT: Okay. So he teaches Sunday school
8 at the church where Miss Ballard goes.

9 JUROR CONNIE LEGG: No. School.

10 THE COURT: Oh, teaches school with Miss
11 Ballard. Is she a school teacher?

12 JUROR CONNIE LEGG: No.

13 THE COURT: Okay.

14 JUROR CONNIE LEGG: Roxanne is not a school
15 teacher.

16 THE COURT: Well, now what was the situation
17 then? Your husband --

18 JUROR CONNIE LEGG: I was just telling you that
19 my husband teaches school --

20 THE COURT: Oh.

21 JUROR CONNIE LEGG: -- where her kids go to
22 school.

23 THE COURT: Oh, okay. Thank you. I'm sorry.
24 I'm --

25 JUROR CONNIE LEGG: That's okay.

26 THE COURT: Would those factors influence you
27 at all in being a fair and impartial juror in this case.

28 JUROR CONNIE LEGG: No.

29 THE COURT: And Number 121. Mr. Welch, you

1 knew Miss Tardy.

2 JUROR BRUCE WELCH: I filled prescriptions for
3 her.

4 THE COURT: Excuse me.

5 JUROR BRUCE WELCH: I filled prescriptions for
6 her.

7 THE COURT: Okay. You were her pharmacist.

8 JUROR BRUCE WELCH: Yes, sir.

9 THE COURT: And would that influence you or
10 affect you in being a fair and impartial juror in this
11 case?

12 JUROR BRUCE WELCH: No, sir.

13 THE COURT: Okay. Thank you.

14 And Miss Box, how did you know Miss Tardy?

15 JUROR PATRICIA BOX: I lived across the street
16 from her.

17 THE COURT: You lived across the street from
18 her.

19 JUROR PATRICIA BOX: (Nodded.)

20 THE COURT: And would that influence you or
21 affect you in being a fair and impartial juror in this
22 case?

23 JUROR PATRICIA BOX: No.

24 THE COURT: Okay. Thank you.

25 And Miss Jones, you knew Miss Tardy.

26 JUROR JUDY JONES: Yes, I played Bridge with
27 Bertha. We entertained in each other's homes. And I
28 know the Ballards. I taught the two Ballard
29 grandchildren during the time. And I also did business

1 with her.

2 THE COURT: And you did business with her too.

3 JUROR JUDY JONES: Yes.

4 THE COURT: And would those factors influence
5 you in being a fair and impartial juror in this case?

6 JUROR JUDY JONES: No.

7 THE COURT: So you can lay all that aside and
8 sit as a fair juror; is that correct?

9 JUROR JUDY JONES: Yes. Yes.

10 THE COURT: Okay. Thank you.

11 Number 126. Miss Caffey, you knew Miss Tardy.

12 JUROR LOUISE CAFFEY: Yes, sir.

13 THE COURT: And how did you know her?

14 JUROR LOUISE CAFFEY: We are members of the
15 same church, and I did business with her.

16 THE COURT: And would that influence you or
17 affect you in being a fair juror in this case?

18 JUROR LOUISE CAFFEY: No, sir.

19 THE COURT: Okay. Thank you.

20 And 146. Mr. Caffey, what is that situation?

21 JUROR CONNER CAFFEY: I go to the same church
22 as her.

23 THE COURT: Would that influence you or be a
24 factor in you being a fair and impartial juror in this
25 case?

26 JUROR CONNER CAFFEY: No, sir.

27 THE COURT: Okay. Thank you.

28 And Number 143. Mr. Campbell, how did you know Miss
29 Tardy?

1 JUROR DEWEY CAMPBELL: Business with the store.

2 THE COURT: And would that influence you or be
3 a factor in you being a fair and impartial juror in this
4 case?

5 JUROR DEWEY CAMPBELL: No.

6 THE COURT: Okay. Thank you.

7 Next, ladies and gentlemen, I want to know if any of
8 you were related by blood or by marriage to Robert L.
9 Golden. Any of you related by blood or by marriage to
10 Mr. Golden.

11 How many of you just knew who Mr. Golden was? Any
12 of you -- did any of you know Mr. Golden? If you did, if
13 you will, please, stand at this time.

14 Miss Branch, how did you know Mr. Golden?

15 JUROR LISA BRANCH: I taught Mr. Golden's son
16 in school when he was at the elementary school years ago.

17 THE COURT: And would that influence you or
18 affect you in being a fair and impartial juror in this
19 case?

20 JUROR LISA BRANCH: No, sir, it would not.

21 THE COURT: Okay. Thank you.

22 And Number 48. Mr. Seals, how did you know Mr.
23 Golden?

24 JUROR TONNY SEALS: As a neighbor. As a young
25 kid and neighbor.

26 THE COURT: Would that be a factor or influence
27 you at all in being a fair and impartial juror in this
28 case?

29 JUROR TONNY SEALS: No.

1 THE COURT: Okay. Thank you.

2 Number 16. Miss Palmertree.

3 JUROR DAWN PALMERTREE: Yes, sir. I remember
4 him delivering furniture for my family.

5 THE COURT: So he would deliver furniture from
6 the Tardy store to your family.

7 JUROR DAWN PALMERTREE: Right. Right.

8 THE COURT: And did you know Miss Tardy at all?

9 JUROR DAWN PALMERTREE: I don't remember her.
10 No.

11 THE COURT: And would these -- would the fact
12 that you knew Mr. Golden in that capacity, would that
13 influence you or affect you in your ability to be fair
14 and impartial?

15 JUROR DAWN PALMERTREE: No, sir.

16 THE COURT: Okay. Thank you.

17 And Miss Purnell, how did you know Mr. Golden?

18 JUROR MARY PURNELL: He was married to my
19 classmate.

20 THE COURT: Married to who?

21 JUROR MARY PURNELL: To my classmate.

22 THE COURT: Okay. So you were a classmate of
23 his wife.

24 JUROR MARY PURNELL: Yes, sir.

25 THE COURT: And would that influence you or
26 affect you in any way in being a fair and impartial juror
27 in this case?

28 JUROR MARY PURNELL: No, sir. Not at all.

29 THE COURT: Okay. Thank you.

1 Number 92. Miss Lane, how did you know Mr. Golden?

2 JUROR KATHERINE LANE: He was a classmate.

3 THE COURT: How?

4 JUROR KATHERINE LANE: He was a classmate.

5 THE COURT: And would that influence you or be
6 a factor at all in being a fair and impartial juror?

7 JUROR KATHERINE LANE: No.

8 THE COURT: It would not. Okay. Thank you.

9 What is your number? 103. Miss Butts, you knew Mr.
10 Golden.

11 JUROR MARY BUTTS: Yes, sir, I do.

12 THE COURT: How did you know him?

13 JUROR MARY BUTTS: I knew his family, his wife.
14 Me and his wife are relatives.

15 THE COURT: What about his wife?

16 JUROR MARY BUTTS: His wife was a distant
17 cousin, and I knew a lot of his family members.

18 THE COURT: Would those factors influence you
19 at all in being a fair and impartial juror in this case?

20 JUROR MARY BUTTS: No, sir.

21 THE COURT: Okay. Thank you.

22 And Mr., Mr. Glover, you knew Mr. Golden.

23 JUROR EARL GLOVER: Yes, sir.

24 THE COURT: And how did you know him?

25 JUROR EARL GLOVER: Friends.

26 THE COURT: You were --

27 JUROR EARL GLOVER: Friends of him and his
28 brother.

29 THE COURT: You were friends with him and his

1 brother.

2 JUROR EARL GLOVER: Yes, sir.

3 THE COURT: And would that influence you or
4 affect you in being a fair and impartial juror?

5 JUROR EARL GLOVER: No, sir.

6 THE COURT: So you can lay your friendship
7 aside with him and base your decision on the evidence
8 here in court.

9 JUROR EARL GLOVER: Yes, sir.

10 THE COURT: Okay. Thank you.

11 Number 126. Miss Caffey, you knew Mr. Golden.

12 JUROR LOUISE CAFFEY: No, sir. I taught his
13 children.

14 THE COURT: Taught Mr. Golden's children. And
15 would that influence you or affect you as a fair and
16 impartial juror in this case?

17 JUROR LOUISE CAFFEY: No, sir.

18 THE COURT: Okay. Thank you.

19 And then 127. Miss Yates, you knew Mr. Golden.

20 JUROR ESSIE YATES: Yes, sir.

21 THE COURT: And how did you know him?

22 JUROR ESSIE YATES: Just from living in Winona.

23 THE COURT: And would that influence you or
24 affect you in being a fair and impartial juror?

25 JUROR ESSIE YATES: Yes.

26 THE COURT: Okay. Thank you.

27 And Number 115. Mr. Butts, how did you know Mr.
28 Golden?

29 JUROR LEWIS BUTTS: Friend. And I worked with

1 him at Hankins for awhile, and I work with his brother
2 now.

3 THE COURT: What is his brother's name?

4 JUROR LEWIS BUTTS: Willie Golden.

5 THE COURT: You worked with Mr. Golden also at
6 some point in the past. Would those factors influence
7 you or affect you in being a fair and impartial juror in
8 this case?

9 JUROR LEWIS BUTTS: Yes, it would.

10 THE COURT: Okay. Thank you.

11 And Number 116. Mr. Seals, how did you know Mr.
12 Golden?

13 JUROR DERRICK SEALS: I work with his brother.
14 He, he was a sub-contractor for me.

15 THE COURT: Subcontract with, with who?

16 JUROR DERRICK SEALS: With me.

17 THE COURT: Okay. What is his brother's name?

18 JUROR DERRICK SEALS: Willie Golden.

19 THE COURT: So you and Mr. Butts worked
20 together too.

21 JUROR DERRICK SEALS: No, sir. Mr. Golden.

22 THE COURT: Would that factor influence you at
23 all in being a fair and impartial juror in this case?

24 JUROR DERRICK SEALS: Yes, sir, it will.

25 THE COURT: Thank you.

26 Mr. Flowers, you knew Mr. Golden.

27 JUROR ARTHUR FLOWERS: Yes, sir.

28 THE COURT: And how did you know him?

29 JUROR ARTHUR FLOWERS: A friend.

1 THE COURT: And would that be a factor or
2 influence you in being a fair and impartial juror in this
3 case?

4 JUROR ARTHUR FLOWERS: No, sir.

5 THE COURT: So you can lay that friendship
6 aside and base your decision on the evidence.

7 JUROR ARTHUR FLOWERS: Um-hum.

8 THE COURT: Are you any kin to Mr. Flowers that
9 is on trial?

10 JUROR ARTHUR FLOWERS: Um-hum.

11 THE COURT: How are you related to him?

12 JUROR ARTHUR FLOWERS: Second cousin.

13 THE COURT: And is that going to affect you in
14 being a fair and impartial juror in this case?

15 JUROR ARTHUR FLOWERS: I don't know.

16 THE COURT: So you've got some doubts about
17 that because of your kinship with him; is that correct?

18 JUROR ARTHUR FLOWERS: Um-hum.

19 THE COURT: Okay. Thank you.

20 And Miss Dumas, you knew Mr. Golden.

21 JUROR RUBY DUMAS: Yes.

22 THE COURT: And how did you know him?

23 JUROR RUBY DUMAS: He rented my house for ten
24 years.

25 THE COURT: He rented a house from you.

26 JUROR RUBY DUMAS: Yes.

27 THE COURT: And would that influence you at all
28 in being a fair and impartial juror?

29 JUROR RUBY DUMAS: No.

1 THE COURT: Okay. So you would not let that
2 come into play at all in your being a fair juror; is that
3 correct?

4 JUROR RUBY DUMAS: No.

5 THE COURT: Okay. Number 145. Mr. Herrod, and
6 how, how did you know Mr. Golden?

7 JUROR DANNY HEROD: We were just friends. We
8 had worked together several times cutting timber and
9 selling firewood.

10 THE COURT: And would that be a factor or
11 influence you at all in being a fair and impartial juror?

12 JUROR DANNY HEROD: Yes, it would.

13 THE COURT: Okay. Thank you.

14 Anyone else that hadn't spoken up that knew Mr.
15 Golden?

16 Any of you related by blood or by marriage to Carmen
17 Rigby? Any of you related by blood or by marriage to
18 Carmen Rigby?

19 Mr. Vance, how were you related to Mr. Rigby?

20 JUROR JIMMY VANCE: That's my wife's third
21 cousin.

22 THE COURT: Wife's...

23 JUROR JIMMY VANCE: Third cousin.

24 THE COURT: Third or first?

25 JUROR JIMMY VANCE: Third.

26 THE COURT: Third. Okay. And would that be a
27 factor or influence you at all in being a fair and
28 impartial juror in this case?

29 JUROR JIMMY VANCE: Yes.

1 THE COURT: Thank you.

2 Mr. Palmertree, how did you know Miss Rigby? I mean
3 how are you related to Miss Rigby.

4 JUROR LARRY PALMERTREE: She was my wife's
5 first cousin's wife.

6 THE COURT: Say, say that again.

7 JUROR LARRY PALMERTREE: She was my wife's
8 first cousin's wife.

9 THE COURT: Okay. She was married to your
10 wife's first cousin.

11 JUROR LARRY PALMERTREE: Right.

12 THE COURT: Okay. And so she was related by
13 marriage to y'all.

14 JUROR LARRY PALMERTREE: Right.

15 THE COURT: Would that influence you or be a
16 factor in you being a fair and impartial juror in this
17 case?

18 JUROR LARRY PALMERTREE: It would.

19 THE COURT: Okay. Thank you.

20 And anybody else related by blood or by marriage to
21 Miss Rigby?

22 How many of you just knew Carmine Rigby, as far as
23 you knew who she was or had some association or knowledge
24 of her? If you will, please, stand.

25 Okay. Miss Boles, how did you know Miss Rigby?

26 JUROR RUTHIE BOLES: I didn't. I knew her
27 husband as insurance agent.

28 THE COURT: And would that influence you or be
29 a factor in you being a fair and impartial juror in this

1 case?

2 JUROR RUTHIE BOLES: No.

3 THE COURT: Okay. Thank you.

4 And Miss Riddell, how, how do you know Miss Rigby?

5 JUROR JENNIFER RIDDELL: Her niece was my best
6 friend throughout high school. We usually went every
7 Sunday and me and Carmine and her -- their two children
8 would eat lunch at the Rigby's father's house.

9 THE COURT: And would that influence you or be
10 a factor in you being a fair and impartial juror in this
11 case?

12 JUROR JENNIFER RIDDELL: Very possible.

13 THE COURT: Okay. Thank you.

14 Number 11. Mr. Pope, how did you know Miss Rigby?

15 JUROR JAMES POPE: I went to school with her
16 and her husband both, in Vaiden.

17 THE COURT: And would that be a factor or
18 influence you in being a fair and impartial juror in this
19 case?

20 JUROR JAMES POPE: No, sir.

21 THE COURT: So you could lay any of that aside
22 and base your decision only on the evidence here in
23 court; is that correct?

24 JUROR JAMES POPE: That's right.

25 THE COURT: Okay. Thank you.

26 And Miss Holland, you knew Miss Rigby.

27 JUROR TINA HOLLAND: I didn't know her. I knew
28 her husband after her death. He was the music director
29 of the church I go to.

1 THE COURT: And do y'all still go to that same
2 church?

3 JUROR TINA HOLLAND: I go to the same church.
4 He is not the music director anymore.

5 THE COURT: And would that factor influence you
6 or affect you in being a fair and impartial juror in this
7 case?

8 JUROR TINA HOLLAND: No, sir.

9 THE COURT: And you will lay all that aside and
10 base your decision only on the evidence; is that correct?

11 JUROR TINA HOLLAND: Yes, sir.

12 THE COURT: Okay. Thank you.

13 And Mr. Bennett, how do you know Miss Rigby?

14 JUROR RONALD BENNETT: I knew her through
15 casual contact at school. I served on the board with her
16 husband, school board.

17 THE COURT: And would that influence you or
18 affect you in being a fair and impartial juror in this
19 case?

20 JUROR RONALD BENNETT: No, sir.

21 THE COURT: Okay. Thank you.

22 And Number 16. Miss Palmertree, what is that
23 situation?

24 JUROR DAWN PALMERTREE: Miss Rigby's niece and
25 I went to school together. We were good friends. I
26 remember playing with Miss Rigby's sons. And being -- it
27 being, you know, the family, going to church together.

28 THE COURT: And would that influence you or
29 affect you in being a fair juror in this case?

1 JUROR DAWN PALMERTREE: No.

2 THE COURT: It would not. You could lay all
3 that aside; is that correct?

4 JUROR DAWN PALMERTREE: Yes.

5 THE COURT: Number 18. Miss Britt, how did you
6 know Miss Rigby?

7 JUROR SANDRA BRITT: Friends with the family.
8 And my sister-in-law is the female lead singer with Benny
9 Rigby's gospel group.

10 THE COURT: Would that influence you or affect
11 you in any way in being a fair juror?

12 JUROR SANDRA BRITT: Yes.

13 THE COURT: Okay. Thank you.

14 And McNeer, you knew Miss Rigby.

15 JUROR SHIRLEY MCNEER: I did. Her children
16 attended school with my children, and we worked on
17 various fundraising projects together at, at the school.

18 THE COURT: And would that influence you or
19 affect you in being a fair and impartial juror?

20 JUROR SHIRLEY MCNEER: No, sir.

21 THE COURT: Okay. Thank you.

22 Number -- I'm sorry. Number 5. Mr. Chambley, how
23 did you know Miss Rigby?

24 JUROR BENNY CHAMBLEY: My aunt was in the
25 gospel group with Miss Rigby's husband.

26 THE COURT: And would that influence you or
27 affect you in being a fair and impartial juror in this
28 case?

29 JUROR BENNY CHAMBLEY: No, sir.

1 THE COURT: Okay. Thank you.

2 And Number 26. Miss Branch, you knew Miss Rigby.

3 JUROR LISA BRANCH: Yes. I knew her through
4 the business at Tardy's. And I know her boys through
5 just when they went to school. I did not teach them
6 though.

7 THE COURT: But you knew them.

8 JUROR LISA BRANCH: I did.

9 THE COURT: They were in school at the same
10 time you were teaching.

11 JUROR LISA BRANCH: Um-hum.

12 THE COURT: And would those factors influence
13 you at all in being a fair and impartial juror in this
14 case?

15 JUROR LISA BRANCH: It would not.

16 THE COURT: Okay. Thank you.

17 And Mr. Johnson, how, how do you know or how did you
18 know Miss Rigby?

19 JUROR BRADFORD JOHNSON: I didn't know her. I
20 know her husband through business, and I knew her sons --
21 know her sons.

22 THE COURT: And would that influence you or
23 affect you in being a fair and impartial juror in this
24 case?

25 JUROR BRADFORD JOHNSON: No, sir, it wouldn't.

26 THE COURT: Okay. Thank you.

27 Then Miss Ingram. How, how did you know Miss Rigby?

28 JUROR REGINA INGRAM: She was a dear friend.

29 And her children went to school with my children. And

1 her son and my daughter dated for about five years.

2 THE COURT: And would that influence you in
3 being a fair and impartial juror in this case?

4 JUROR REGINA INGRAM: (Nodded.)

5 THE COURT: Okay. Thank you.

6 Number 33. Miss Lancaster, how did you know Miss
7 Rigby?

8 JUROR ROSEMARY LANCASTER: Acquaintance through
9 our children playing sports.

10 THE COURT: And would that influence you or
11 affect you in being a fair and impartial juror in this
12 case?

13 JUROR ROSEMARY LANCASTER: No.

14 THE COURT: Okay. Thank you.

15 And Mr. Bennett, you knew Miss Rigby.

16 JUROR WILLIAM BENNETT: Through her husband and
17 the gospel group.

18 THE COURT: And I believe you've already said
19 you were related to Miss Tardy and former law enforcement
20 and you couldn't be fair and impartial any way; is that
21 correct?

22 JUROR WILLIAM BENNETT: Right.

23 THE COURT: Okay. Thank you.

24 Miss Corley, how did you know Miss Rigby?

25 JUROR MELODIE CORLEY: I didn't know her. I
26 knew her husband. Benny and I worked -- both worked at
27 North Winona Baptist Church.

28 THE COURT: Both -- okay. From North Winona
29 Baptist.

1 JUROR MELODIE CORLEY: Yes.

2 THE COURT: And would that influence you or
3 affect you in being a fair and impartial juror in this
4 case?

5 JUROR MELODIE CORLEY: No, sir.

6 THE COURT: Okay. Thank you.

7 Miss Braswell, you knew Miss Rigby too.

8 JUROR BURNADETTE BRASWELL: Her son went to
9 school with my son, and her husband was minister of music
10 at our church after her death.

11 THE COURT: Was that North Winona?

12 JUROR BURNADETTE BRASWELL: Yes, sir.

13 THE COURT: Would those factors influence you
14 or affect you at all in being a fair juror in this case?

15 JUROR BURNADETTE BRASWELL: No, sir.

16 THE COURT: Okay. Thank you.

17 And Miss Bond, how did --

18 JUROR JULIA BOND: Going to church and
19 listening to the gospel group.

20 THE COURT: Say that again.

21 JUROR JULIA BOND: By going to the church and
22 listening to the gospel group.

23 THE COURT: And would that influence you or be
24 a factor in you being a fair and impartial --

25 JUROR JULIA BOND: No.

26 THE COURT: -- juror?

27 And Miss Johnson, how did you know Miss Rigby?

28 JUROR KAREN JOHNSON: I knew her through the
29 store. And her sister-in-law and I grew up together.

1 THE COURT: And who was that sister-in-law?

2 JUROR KAREN JOHNSON: Her name was Brenda

3 Avant.

4 THE COURT: And would that influence you or be
5 a factor in you being a fair and impartial juror?

6 JUROR KAREN JOHNSON: No, sir.

7 THE COURT: Okay. Thank you.

8 And Mr. Reed, you knew Miss Rigby.

9 JUROR ROBERT REED: Yes, sir.

10 THE COURT: How did you know her?

11 JUROR ROBERT REED: Well, we grew up together.

12 THE COURT: And would that influence you in
13 being a fair and impartial juror in this case?

14 JUROR ROBERT REED: Yes, sir.

15 THE COURT: Okay. Thank you.

16 And Mr. Colbert, how did you know Miss Rigby?

17 JUROR JAMES COLBERT: I did not know her, but I
18 taught her son.

19 THE COURT: Would that be a factor or influence
20 you at all in being a fair juror in this case?

21 JUROR JAMES COLBERT: No, sir.

22 THE COURT: Okay. Thank you.

23 Number 60. Miss Blakely, what is that situation?

24 JUROR SHIRLEY BLAKELY: Carmine and I and our
25 families were friends. Her youngest son and my youngest
26 daughter went to school together from kindergarten
27 through junior year.

28 THE COURT: And would that be a factor or
29 influence you in being a fair and impartial juror in this

1 case?

2 JUROR SHIRLEY BLAKELY: No.

3 THE COURT: Okay. Thank you.

4 And Mr. King, what is that situation?

5 JUROR JUSTIN KING: Both of her sons worked for
6 my father. One was working for him at the time and one
7 coached me in baseball. I just know the family.

8 THE COURT: So you know Miss Rigby's sons real
9 well then.

10 JUROR JUSTIN KING: Yes, sir.

11 THE COURT: Is that a factor or would that be
12 an influence or affect you in any way?

13 JUROR JUSTIN KING: Yes, sir.

14 THE COURT: So you could not be a fair and
15 impartial juror; is that correct?

16 JUROR JUSTIN KING: Yes, sir.

17 THE COURT: Okay. Thank you.

18 Number 63. Mr. Miller, how did you know Miss Rigby?

19 JUROR DAVID MILLER: Close friends with her and
20 her husband.

21 THE COURT: Friends with her and her husband.

22 JUROR DAVID MILLER: (Nodded.)

23 THE COURT: Would that influence you in being a
24 fair and impartial juror?

25 JUROR DAVID MILLER: Yes, sir.

26 THE COURT: Okay. Thank you.

27 Seventy-nine. Mr. Austin, how, how did you know
28 Miss Rigby?

29 JUROR JOHN AUSTIN: I didn't know her. I know

1 both her sons. I played baseball with her youngest son.

2 THE COURT: And would that be a factor or
3 influence you in any way in being a fair juror in this
4 case?

5 JUROR JOHN AUSTIN: No, sir, it would not.

6 THE COURT: Okay. Thank you.

7 Miss Ramsey, how, how did you know Miss Rigby?

8 JUROR PEGGY RAMSEY: I kept score for the high
9 school baseball team of which her youngest son was a
10 member. And I would see Mrs. Rigby at the ball games.

11 THE COURT: You would see her at ball games.

12 JUROR PEGGY RAMSEY: Um-hum.

13 THE COURT: And would that be a factor or
14 influence you in being a fair and impartial juror in this
15 case?

16 JUROR PEGGY RAMSEY: No. No.

17 THE COURT: Okay. Thank you.

18 And Miss Bell, how did you know Miss Rigby?

19 JUROR JO BELL: I just knew her when I saw her
20 really. Not, not -- just an acquaintance really.

21 THE COURT: Would that influence you or affect
22 you in being a fair and impartial juror in this case?

23 JUROR JO BELL: No, sir.

24 THE COURT: Okay. Thank you.

25 And Number 89. Miss Land, how did you know Miss
26 Rigby?

27 JUROR COLBY LAND: I went to the same school as
28 her kids.

29 THE COURT: Would that influence you at all in

1 being a fair and impartial juror in this case?

2 JUROR COLBY LAND: No, sir, it would not.

3 THE COURT: Okay. Thank you.

4 Number 83. Mr. Biggers, you knew Miss Rigby.

5 JUROR WILLIAM BIGGERS: I worked with her
6 husband for five years. We have been friends ever since.

7 THE COURT: And would that influence you or
8 affect you in being a fair and impartial --

9 JUROR WILLIAM BIGGERS: Yes, sir.

10 THE COURT: -- juror in this case? Okay.
11 Thank you.

12 Number 90. Mr. Blaylock, how did you know Miss
13 Rigby?

14 JUROR DAVID BLAYLOCK: Same as Miss Tardy.
15 Know her through the store. Come in the store.

16 THE COURT: And would that influence you in
17 being a fair and impartial juror?

18 JUROR DAVID BLAYLOCK: Yes, it would.

19 THE COURT: Okay. Thank you.

20 And Mr. Matthews.

21 JUROR HARLEY MATTHEWS: I knew her through her
22 sons through school.

23 THE COURT: And would that influence you at all
24 in being a fair and impartial juror in this case?

25 JUROR HARLEY MATTHEWS: No.

26 THE COURT: Okay. Thank you.

27 And Miss Hodges, how did you know Miss Rigby?

28 JUROR SALLIE HODGES: I went to school with
29 her. I graduated with her brother. My children went to

1 school with her children. And her husband was minister
2 of music at our church.

3 THE COURT: Would those factors influence you
4 or affect you in any way in being a fair juror in this
5 case?

6 JUROR SALLIE HODGES: No, sir. No, sir.

7 THE COURT: Okay. Thank you.

8 And Mr. Huggins. Number 97.

9 JUROR BURRELL HUGGINS: I knew her through my
10 wife.

11 THE COURT: Were, were your wife and her
12 friends?

13 JUROR BURRELL HUGGINS: Well, they knew one
14 another. Yes, sir. When we meet her out in public, I
15 knew who she was.

16 THE COURT: You would just see her and know who
17 she was on sight.

18 JUROR BURRELL HUGGINS: That's it.

19 THE COURT: But really weren't friends.

20 JUROR BURRELL HUGGINS: All I did was talk to
21 her.

22 THE COURT: Now, would that influence you or
23 affect you in any way in being a fair juror in this case?

24 JUROR BURRELL HUGGINS: No, it would not.

25 THE COURT: Okay. Thank you.

26 And Miss Corder, you knew Miss Rigby.

27 JUROR DIANNE CORDER: I did not know her
28 personally. I seen her maybe a time or two. But I knew
29 her husband in the last few years when he became minister

1 of music at our church.

2 THE COURT: And would those factors influence
3 you or affect you in being a fair and impartial juror in
4 this case?

5 JUROR DIANNE CORDER: It won't.

6 THE COURT: Okay. Thank you.

7 And 103. Miss Butts, how did you know Miss Rigby?

8 JUROR MARY BUTTS: I knew her from working at
9 Tardy Furniture Company, and her husband was insurance
10 salesperson.

11 THE COURT: And would those factors influence
12 you or affect you in being a fair and impartial juror in
13 this case?

14 JUROR MARY BUTTS: No, sir.

15 THE COURT: Okay. Thank you.

16 Number 110. Miss Legg, you knew Miss Rigby.

17 JUROR CONNIE LEGG: I knew her through the
18 store and her -- my husband coached her youngest son in
19 baseball.

20 THE COURT: And would that -- those factors
21 influence you or affect you in being a fair and impartial
22 juror in this case?

23 JUROR CONNIE LEGG: No, it would not.

24 THE COURT: Okay. Thank you.

25 Number 121. Mr. Welch, you knew Miss Rigby.

26 JUROR BRUCE WELCH: I went to school with her
27 all my life.

28 THE COURT: Excuse me.

29 JUROR BRUCE WELCH: I went to school with her

1 in Vaiden all my life. Knew her and her husband.

2 THE COURT: And would that influence you or
3 affect you in being a fair and impartial juror in this
4 case?

5 JUROR BRUCE WELCH: No, sir.

6 THE COURT: Okay. Thank you.

7 Number 126. Miss Caffey, what is that situation?

8 JUROR LOUISE CAFFEY: I taught her son, and our
9 sons played baseball together.

10 THE COURT: Would those factors influence you
11 or affect you at all in being a fair and impartial juror
12 in this case?

13 JUROR LOUISE CAFFEY: No, sir.

14 THE COURT: Okay. Thank you.

15 And 134. Miss Vance, what is the situation?

16 JUROR ASHLEY VANCE: I, I went to church with
17 her whenever I was young. Grew up in the same church
18 with her.

19 THE COURT: Would that influence you or be a
20 factor in you being a fair and impartial juror?

21 JUROR ASHLEY VANCE: No, sir.

22 THE COURT: Okay. Thank you.

23 And Number 143. Mr. Campbell, and how did you know
24 Miss Rigby?

25 JUROR DEWEY CAMPBELL: My wife and her were
26 friends, and we bought a mobile home from them.

27 THE COURT: Say that again.

28 JUROR DEWEY CAMPBELL: My wife and her were
29 friends. We bought a mobile home from them.

1 THE COURT: And would that influence you or
2 affect you in being a fair and impartial juror in this
3 case?

4 JUROR DEWEY CAMPBELL: No.

5 THE COURT: Okay. Thank you.

6 And Number 146. Mr. Caffey, how did you know Miss
7 Rigby?

8 JUROR CONNER CAFFEY: Brian and I were
9 classmates my senior year in high school, and we played
10 baseball together.

11 THE COURT: And that is her son.

12 JUROR CONNER CAFFEY: Yes, sir.

13 THE COURT: And would that influence you or
14 affect you in any way in being a fair and impartial juror
15 in this case?

16 JUROR CONNER CAFFEY: No, sir.

17 THE COURT: Okay. Thank you.

18 And Mr. Tompkins, you knew Miss Rigby.

19 JUROR DANNY TOMPKINS: Yes, sir.

20 THE COURT: And how did you know her?

21 JUROR DANNY TOMPKINS: Casual acquaintances
22 with her and her family.

23 THE COURT: Would those factors influence you
24 in being a fair and impartial juror in this case?

25 JUROR DANNY TOMPKINS: No, sir.

26 THE COURT: Okay. Thank you.

27 Yes. Number 147. What is that situation?

28 JUROR JAMITA SMITH: When I had answered before
29 that --

1 THE COURT: Can you speak up a little?

2 JUROR JAMITA SMITH: Can I what?

3 THE COURT: Speak up a little. I was having
4 trouble hearing you.

5 JUROR JAMITA SMITH: When I had answered before
6 and told you that Johnny Hargrove was my cousin, the
7 reason why I didn't put it on my questionnaire was
8 because I just found out today when I went home for
9 lunch.

10 THE COURT: Okay.

11 JUROR JAMITA SMITH: I just found out.

12 THE COURT: Well, I appreciate that.

13 I'll ask now if any of you are related by blood or
14 by marriage to, during his lifetime, to Derrick Stewart.
15 Any of you related by blood or by marriage to Mr.
16 Stewart?

17 Miss Cooper, how were you related to Mr. Stewart?

18 JUROR SARA COOPER: My husband's second cousin.

19 THE COURT: And would that influence you or be
20 a factor in you being a fair and impartial juror in this
21 case?

22 JUROR SARA COOPER: Yes, sir, it would.

23 THE COURT: Okay. Thank you.

24 Now how many of you knew Derrick Stewart? If you
25 knew Mr. Stewart, if you will, please, stand.

26 And Mr. Pope, how did you know Mr. Stewart?

27 JUROR JAMES POPE: Yes. I went to school with
28 Randy and Evan and his other brother.

29 THE COURT: Would those factors influence you

1 or affect you in being a fair and impartial juror in this
2 case?

3 JUROR JAMES POPE: No, sir.

4 THE COURT: Okay. Thank you.

5 And I'm sorry, Number 5. I missed you to start
6 with. How did you know Mr. Stewart?

7 JUROR BENNY CHAMBLEY: I went to school with
8 his older brother.

9 THE COURT: Would that influence you or affect
10 you in being a fair and impartial juror in this case?

11 JUROR BENNY CHAMBLEY: No, sir.

12 THE COURT: Okay. Thank you.

13 And Number 22. Mr. Gibson, how did you know Mr.
14 Stewart?

15 JUROR JONATHAN GIBSON: He and my brother were
16 friends.

17 THE COURT: And would that influence you or
18 affect you in any way in being a fair juror in this case?

19 JUROR JONATHAN GIBSON: No, sir.

20 THE COURT: Okay. Thank you.

21 And Number 24. Mr. Dendy, how did you know Mr.
22 Stewart?

23 JUROR JAMES DENDY: We attended the same
24 school, were friends. I knew his older brother.

25 THE COURT: Well, did y'all go in the same
26 class together?

27 JUROR JAMES DENDY: We weren't in the same
28 class but same school.

29 THE COURT: Okay. And you were friends also

1 with Mr. Stewart's brother.

2 JUROR JAMES DENDY: I knew his brother.

3 THE COURT: And would that influence you or
4 affect you in being a fair and impartial juror in this
5 case?

6 JUROR JAMES DENDY: Possible.

7 THE COURT: So you've got some doubts about it.

8 JUROR JAMES DENDY: Yes, sir.

9 THE COURT: Okay. Thank you.

10 Okay. Miss Sawyer, how did you know Mr. Stewart?

11 JUROR JACQUELINE SAWYER: I went to school with
12 him.

13 THE COURT: And would that influence you or
14 affect you in being a fair and impartial juror in this
15 case?

16 JUROR JACQUELINE SAWYER: No.

17 THE COURT: Okay. Thank you.

18 And Miss Ingram, how did you know Mr. Stewart?

19 JUROR REGINA INGRAM: I know his family and he
20 went to -- he and his brother went to school with my
21 children.

22 THE COURT: And would that influence you or
23 affect you in any way in being a fair and impartial juror
24 in this case?

25 JUROR REGINA INGRAM: Yes.

26 THE COURT: It would.

27 JUROR REGINA INGRAM: Yes.

28 THE COURT: Okay. Thank you.

29 And Number 33. Miss Lancaster, how did you know Mr.

1 Stewart?

2 JUROR ROSEMARY LANCASTER: My son played
3 baseball with him.

4 THE COURT: And would that influence you or
5 affect you in being a fair juror in this case?

6 JUROR ROSEMARY LANCASTER: No, sir.

7 THE COURT: Okay. Thank you.

8 Miss Gill, how did you know Mr. Stewart?

9 JUROR CONNIE GILL: I didn't know him, but I
10 knew his brothers. And we have actually talked a little
11 bit about it.

12 THE COURT: And would that influence you or
13 affect you in being a fair and impartial juror in this
14 case?

15 JUROR CONNIE GILL: Yes, it would.

16 THE COURT: Okay. Thank you.

17 JUROR CONNIE GILL: I also grew up with his --
18 would be his stepmother.

19 THE COURT: Okay. Thank you.

20 Number 47. Miss Johnson, how did you know Mr.
21 Stewart?

22 JUROR KAREN JOHNSON: Derrick and my children
23 were very good friends, and I was very fond of him
24 myself.

25 THE COURT: And would that influence you or
26 affect you in being a fair and impartial juror?

27 JUROR KAREN JOHNSON: Yes, sir.

28 THE COURT: Okay. Thank you.

29 Forty-nine. Mr. Reed, how did you know Mr. Stewart?

1 JUROR ROBERT REED: I went to school with his
2 daddy and mother and all his aunts and uncles.

3 THE COURT: And would that influence you or be
4 a factor in you being a fair and impartial juror in this
5 case?

6 JUROR ROBERT REED: I imagine it would.

7 THE COURT: Okay. And Number 51. Miss Cooper,
8 how -- you have already said you were related to him and
9 that would affect you in being fair and impartial; is
10 that correct?

11 JUROR SARA COOPER: But we also went to school
12 together before I was married to my husband. I knew him
13 from school. He was also a very good friend.

14 THE COURT: Okay. Thank you.

15 Seventy-nine. Mr. Austin, how did you know Mr.
16 Stewart?

17 JUROR JOHN AUSTIN: We attended the same
18 school, and I played baseball with him several years.

19 THE COURT: Would that influence you or affect
20 you in any way in being a fair and impartial juror?

21 JUROR JOHN AUSTIN: No, sir, it would not.

22 THE COURT: Okay. Thank you.

23 Okay. I believe 86 is next. Miss Ramsey, how did
24 you know Mr. Stewart?

25 JUROR PEGGY RAMSEY: I worked with the high
26 school and the summer league baseball programs. And
27 Derrick was very active in both programs. And I also
28 taught him in Vacation Bible School.

29 THE COURT: And would those factors influence

1 you or affect you at all in being a fair and impartial
2 juror?

3 JUROR PEGGY RAMSEY: Possibly.

4 THE COURT: So you have some doubt because of
5 that.

6 JUROR PEGGY RAMSEY: (Nodded.)

7 THE COURT: Okay. Thank you.

8 Number 89. Mr. Land, how did you know Mr. Stewart?

9 JUROR COLBY LAND: We went to the same school.

10 THE COURT: And would that affect you or
11 influence you at all in being a fair and impartial juror?

12 JUROR COLBY LAND: No, sir, it would not.

13 THE COURT: Okay. Thank you.

14 Number 90. Mr. Blaylock, how did you know Mr.
15 Stewart?

16 JUROR DAVID BLAYLOCK: I did not know him, but
17 I worked with his stepmother, aunt and cousin.

18 THE COURT: Would that influence you or affect
19 you in being a fair and impartial juror?

20 JUROR DAVID BLAYLOCK: Yes, it would.

21 THE COURT: Okay. Thank you.

22 Number 91. Miss Vance, how did you know Mr.
23 Stewart?

24 JUROR NANCY VANCE: We went to the same high
25 school.

26 THE COURT: And would that influence you or
27 affect you in any way in being a fair and impartial
28 juror?

29 JUROR NANCY VANCE: No, sir.

1 THE COURT: Okay. Thank you.

2 And Miss Hodges, you knew Mr. Stewart.

3 JUROR SALLIE HODGES: I went to school with
4 both of his parents. My daughter went to school with
5 him.

6 THE COURT: Would that influence you or affect
7 you in being a fair and impartial juror in this case?

8 JUROR SALLIE HODGES: (Shook head.)

9 THE COURT: It would not.

10 JUROR SALLIE HODGES: No, sir.

11 THE COURT: Okay. Thank you.

12 And Miss Corder, how did you know Mr. Stewart?

13 JUROR DIANNE CORDER: I taught eighth grade
14 English at Winona Public School, and Derrick was in my
15 class. I also taught his brother Dale.

16 THE COURT: Would those factors influence you
17 or affect you in being a fair and impartial juror in this
18 case?

19 JUROR DIANNE CORDER: No, sir.

20 THE COURT: Okay. Thank you.

21 One hundred ten. Miss Legg, how did you know Mr.
22 Stewart?

23 JUROR CONNIE LEGG: My husband also coached
24 both BoBo --

25 THE COURT: Say that --

26 JUROR CONNIE LEGG: My husband coached.

27 THE COURT: Oh, your husband coached him.
28 Okay. Would that influence you or be a factor in you
29 being a fair and impartial juror?

1 JUROR CONNIE LEGG: No. No.

2 THE COURT: Okay. Thank you.

3 One hundred twenty-one. Mr. Welch, and you knew Mr.
4 Stewart.

5 JUROR BRUCE WELCH: I went to school with his
6 parents, and I taught Derrick in Sunday School. My
7 oldest son used to play with him.

8 THE COURT: Taught him in Sunday School.

9 JUROR BRUCE WELCH: Yes, sir.

10 THE COURT: And what was the last thing?

11 JUROR BRUCE WELCH: My son used to play with
12 him.

13 THE COURT: Sons were friends. Would those
14 factors influence you or affect you in any way in being a
15 fair and impartial juror in this case?

16 JUROR BRUCE WELCH: No, sir.

17 THE COURT: Okay. Thank you.

18 One hundred twenty-three. Miss Box, how did you
19 know Mr. Stewart?

20 JUROR PATRICIA BOX: I worked at the school
21 that he and his brother attended.

22 THE COURT: Would that influence you or affect
23 you at all in being a fair and impartial juror?

24 JUROR PATRICIA BOX: No.

25 THE COURT: Okay. Thank you.

26 And Number 124. Mr. Palmertree, how did you know
27 Mr. Stewart?

28 JUROR LARRY PALMERTREE: I did not know Mr.
29 Stewart, but I was close friends to his father.

1 THE COURT: Would that influence you or affect
2 you in being a fair and impartial juror?

3 JUROR LARRY PALMERTREE: Yes, it would.

4 THE COURT: Okay. Thank you.

5 And 125. Miss Jones, how did you know Mr. Stewart?

6 JUROR JUDY JONES: Bobo was a friend of my
7 sons, and he stayed in our home some.

8 THE COURT: And would those factors influence
9 you or affect you in being a fair and impartial juror?

10 JUROR JUDY JONES: No, it would not.

11 THE COURT: Okay. Thank you.

12 Number 126. Miss Caffey, how, how did you know Mr.
13 Stewart?

14 JUROR LOUISE CAFFEY: I taught Derrick and his
15 brother Dale.

16 THE COURT: You taught him.

17 JUROR LOUISE CAFFEY: (Nodded.)

18 THE COURT: And would that influence you or be
19 a factor in you being a fair and impartial juror in this
20 case?

21 JUROR LOUISE CAFFEY: No, sir.

22 THE COURT: Okay. Thank you.

23 Number 128. Mr. Vance, how did you know Mr.
24 Stewart?

25 JUROR JIMMY VANCE: I coached both of them in
26 summer baseball.

27 THE COURT: Would that influence you or affect
28 you in being a fair juror in this case?

29 JUROR JIMMY VANCE: Yes, sir.

1 THE COURT: Okay. Thank you.

2 Number 134. Miss Vance, you knew Mr. Stewart.

3 JUROR ASHLEY VANCE: Yes, sir. I went to
4 school with him for one year.

5 THE COURT: And would that influence you or
6 affect you in being a fair and impartial juror in this
7 case?

8 JUROR ASHLEY VANCE: No, sir.

9 THE COURT: Okay. Thank you.

10 And Miss Bailey, you knew Mr. Stewart.

11 JUROR SUZANNE BAILEY: I taught him and his
12 brother.

13 And I need to back up and -- I have been associated
14 with Miss Tardy's grandchildren and her daughter at
15 school and Brian Rigby's, let's see, and little Randy
16 Golden, Mr. Golden's.

17 THE COURT: And would those factors influence
18 you or affect you at all in being a fair and impartial
19 juror in this case?

20 JUROR SUZANNE BAILEY: No, sir.

21 THE COURT: Okay. Thank you.

22 And Number 145. Mr. Herod, you knew Mr. Stewart.

23 JUROR DANNY HEROD: Yes, sir. I coached BoBo
24 several times growing up. He and my son were close
25 friends. He spent a lot of time in our home.

26 THE COURT: And would those factors influence
27 you or affect you in being a fair and impartial juror?

28 JUROR DANNY HEROD: Yes, sir.

29 THE COURT: Okay. Thank you.

1 And Number 146. Mr. Caffey, what is that situation?

2 JUROR CONNER CAFFEY: I knew he and his brother
3 from school. I played a year of baseball with BoBo.

4 THE COURT: And would that influence you or
5 affect you in being a fair and impartial juror in this
6 case?

7 JUROR CONNER CAFFEY: No, sir.

8 THE COURT: Okay. Thank you.

9 And Number 166.

10 JUROR JASON ABLES: Lived in the same
11 apartments. Got to know him real good, he and his
12 family.

13 THE COURT: And would that influence you or
14 affect you in being a fair and impartial juror in this
15 case?

16 JUROR JASON ABLES: Yes, sir, it would.

17 THE COURT: Okay. Thank you.

18 And Number 151. Miss Kennedy, how did you know Mr.
19 Stewart?

20 JUROR STACY KENNEDY: We went to school
21 together.

22 THE COURT: And would that influence you or
23 affect you in any way in being a fair and impartial
24 juror?

25 JUROR STACY KENNEDY: No.

26 THE COURT: Okay. Thank you.

27 And Counsel, if you will approach.

28 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER AND MR.

29 CARTER APPROACHED THE BENCH FOR THE FOLLOWING BENCH CONFERENCE

1 HAD OUTSIDE THE HEARING OF THE JURY.)

2 THE COURT: We are getting ready to recess for
3 the day. I'm getting ready to recess for the day, but it
4 looks like there are several probably that can be excused
5 for cause. I wonder if y'all would be amenable to going
6 back in chambers for a couple of minutes and discussing
7 those. I know if we don't, we will just have the same
8 questions that will be answered over and over by the same
9 people.

10 MR. EVANS: That will be fine.

11 That will be fine.

12 (THE BENCH CONFERENCE WAS CONCLUDED.)

13 THE COURT: Ladies and gentlemen, we are going
14 to be back in judges chambers for about ten minutes. You
15 can take a short recess.

16 During this recess do not discuss this case with
17 anyone or among yourselves. You can't talk to any
18 lawyers, parties or witnesses involved in this case, and
19 we will be back in a few minutes.

20 (MR. EVANS, MR. HILL, MR. BERRY, MR. DEGRUY, MRS.
21 STEINER, MR. CARTER, THE DEFENDANT, J.D. JOHNSON AND BAILIFF
22 MARILEE BROWNING WERE PRESENT IN JUDGE'S CHAMBERS.)

23 THE COURT: The bailiff had advised me there
24 was something a juror had said to her, and she wanted to
25 mention it. And I said wait until everybody is here.

26 BAILIFF BROWNING: I don't have any answers to
27 tell them. I like to tell it to somebody with authority.

28 One of the jurors came to me and said I don't know
29 if you want to know this or not but since, since you made

1 cell phone announcement, no calls to come in, but she
2 says there is a juror here that has not quit text
3 messaging since she has been sitting in the courtroom.

4 THE COURT: If you will, find out which juror
5 that is that's got the phone. We'll take that up.

6 BAILIFF: Okay.

7 (BAILIFF MARILEE BROWNING LEFT JUDGE'S CHAMBERS.)

8 THE COURT: Counsel, I know right now we have
9 voir dired for an hour and a half, two hours maybe. I
10 know they are ready to leave or recess for the day. But
11 there are several, I think it had become obvious that
12 they probably cannot be fair and impartial.

13 And I thought maybe we could go through those right
14 now. And so if y'all agree on these that I call out,
15 please state that.

16 Number 3, Riddell or Riddell - I'm not sure how it
17 is pronounced - was a friend of or knows Miss Rigby. And
18 she said she could not be fair and impartial.

19 Do y'all agree with that?

20 MR. CARTER: Yes, sir.

21 MR. EVANS: Yes, sir.

22 THE COURT: And then Robert Todd Moorehead,
23 Number 14, knew Bertha Tardy, also Roxanne Ballard, and
24 has stated he could not be fair and impartial.

25 Do y'all agree on that one?

26 MR. CARTER: Yes, sir.

27 MR. EVANS: I may have written the "C" on the
28 wrong line, Your Honor. Hold on just a minute.

29 I put it on the wrong line. I agree.

1 THE COURT: So we'll excuse Moorehead for
2 cause.

3 And let's see. Number 18. Miss Britt knew Miss
4 Rigby, sister-in-law sings with Mr. Rigby. And she said
5 these factors would affect her, and she could not be fair
6 and impartial.

7 MR. EVANS: Yes, sir.

8 THE COURT: Do y'all agree on that?

9 MR. CARTER: Yes, sir.

10 MS. STEINER: Yes, sir.

11 THE COURT: Okay. And Number 20. Brother is
12 law enforcement officer in Grenada. That is the only
13 thing he said, but he is saying that would affect him in
14 being a fair and impartial juror.

15 Do y'all agree?

16 MR. CARTER: We agree.

17 MR. EVANS: That is what he said. He probably
18 just wants out of serving.

19 THE COURT: Got to take him at his word.

20 I have a question mark by Miss McNeer, Number 21.
21 But I am trying to recall exactly what it was.

22 MS. STEINER: She, Your Honor --

23 THE COURT: Knew Miss Tardy.

24 MS. STEINER: She knew Miss Tardy as a fellow
25 business woman and financed purchases for the store.

26 MR. EVANS: And said it wouldn't affect her.

27 MR. HILL: I don't have anything on her that
28 indicates --

29 MR. DEGRUY: She didn't say she couldn't be

1 fair.

2 THE COURT: Okay. Her children attended the
3 same school with Rigby children. So I guess I must have
4 made a note that wasn't correct there as far as right now
5 for her. She will remain on.

6 And let's see. Twenty-three. Mr. Forrest.

7 MR. EVANS: I agree.

8 THE COURT: First cousin law enforcement. Said
9 he could not be fair and impartial.

10 Did y'all make that note, all of you?

11 MR. CARTER: Yes, sir.

12 MR. EVANS: Yes, sir.

13 THE COURT: And Number 24. Mr. Dendy said he
14 knew Mr. Stewart. I believe they were friends, and he
15 also was a brother -- friend of Mr. Stewart's brother.
16 And he said he could not be fair and impartial.

17 Do y'all have that?

18 MR. EVANS: We agree.

19 THE COURT: And let's see. Number 30. Miss
20 Ingram. She knew Miss Rigby and knew Mr. Stewart and
21 said because of that she could not be fair and impartial.

22 Do y'all all agree with that?

23 MR. EVANS: Yes, sir.

24 MR. CARTER: Yes, sir.

25 THE COURT: And then let's see. Thirty-four.
26 He was related to Bertha Tardy. He knows Miss Rigby and
27 her husband from the gospel group. And he said on all
28 occasions he could not be a fair and impartial juror.

29 Do y'all agree on him?

1 MR. CARTER: Yes, sir.

2 MR. EVANS: Yes, sir.

3 THE COURT: Then Connie McElroy Gill knew Mr.
4 Stewart's brother. Grew up with Mr. Stewart's
5 stepmother, and she said she could not be a fair and
6 impartial juror.

7 Do y'all agree on --

8 MR. EVANS: We agree.

9 MR. CARTER: Yes, sir.

10 Do y'all have that number?

11 THE COURT: Number 37.

12 MR. CARTER: Yeah, we agree.

13 MS. STEINER: I agree.

14 THE COURT: Number 47. Karen Diane Johnson.
15 She knew Miss Rigby from the store. Let's see. First
16 cousin by marriage to John, David Johnson. And I've got
17 out here that she could not be fair and impartial.

18 MR. CARTER: I agree.

19 MR. EVANS: We agree.

20 THE COURT: And Number 49 knew Miss Rigby and
21 he knew Mr. Stewart. I think he said he is related to
22 Miss Tardy in some fashion as well and that he could not
23 be fair and impartial.

24 Do y'all agree on that one?

25 MR. CARTER: Agree.

26 MR. EVANS: Yes, sir.

27 THE COURT: And Number 51. Sarah Johnson
28 Cooper. She was related to Stewart. And let's see. I
29 believe --

1 MS. STEINER: Very good friend.

2 THE COURT: Yeah. And said she could not be
3 fair and impartial.

4 Do y'all agree on that?

5 MR. EVANS: We do.

6 MR. CARTER: Yes, sir.

7 THE COURT: And Number 53, Miss Mitchell. She
8 dealt with Miss Tardy and then went to high school with
9 Roxanne Ballard, who is Miss Tardy's daughter. And she
10 said she could not be fair and impartial.

11 MR. CARTER: Agree.

12 MR. EVANS: Yes, sir.

13 THE COURT: John Patrick White. Number 55. I
14 believe he said Miss Tardy was youth director at his
15 church at some point, and he couldn't be a fair and
16 impartial juror because of that.

17 Do y'all --

18 MR. CARTER: We agree.

19 MR. EVANS: We agree.

20 THE COURT: Let's see. Number 62. Justin
21 King. He knows Miss Rigby's sons. And I believe he said
22 him and David Johnson are related, and he could not be a
23 fair and impartial juror.

24 MR. CARTER: We agree.

25 THE COURT: Do y'all have that?

26 MR. CARTER: Yes, sir.

27 MR. HILL: (Nodded.)

28 THE COURT: Let's see. David Miller, Number
29 63, knew Miss Rigby. Friend with her and her husband.

1 He said he could not be a fair and impartial juror.

2 Do y'all have that?

3 MR. EVANS: Yes, sir.

4 MR. CARTER: Yes, sir. We agree.

5 THE COURT: And Number 67, Miss Barnes. She is
6 related to a law enforcement officer in Grenada. And she
7 said that would affect her, and she could not be fair and
8 impartial.

9 Do y'all have that?

10 MR. CARTER: Yes, sir.

11 MR. EVANS: We agree.

12 THE COURT: And let's see. Seventy-eight.
13 Miss Robinson. I've got -- I don't, couldn't read a
14 note.

15 MR. JOHNSON: She is excused because of school.

16 THE COURT: I knew there was something there.

17 Number 73. Law enforcement officer. Knew the
18 Rigbys, family friends. And said could not be fair and
19 impartial.

20 MR. CARTER: We agree.

21 MR. EVANS: We agree.

22 THE COURT: And then 84 knew Miss Tardy. Knew
23 Miss Tardy from the store, and she doubts she can be fair
24 and impartial.

25 MR. HILL: Right.

26 THE COURT: You can't have any doubt and be on
27 a jury in my view.

28 MR. CARTER: We agree.

29 THE COURT: So I'll allow Miss Young to be

1 excused.

2 Okay. Eighty-six. I believe said was in school
3 with Miss Tardy, knew Miss Rigby, also knew Mr. Stewart
4 from baseball and taught him in Vacation Bible School.
5 And she indicated that she could not be fair and
6 impartial.

7 Do y'all agree?

8 MR. HILL: Yes. She was another one that had
9 some doubts.

10 MR. CARTER: We agree.

11 MR. HILL: Yeah.

12 THE COURT: She doubts but...

13 And Miss Bell. Number 87. She knew Miss Ballard,
14 Miss Rigby and Miss Tardy, had business contacts with
15 Miss Tardy and Miss Ballard.

16 I think she knew Miss Ballard because they are in
17 the same age group and knew Miss Rigby and said she could
18 not be a fair and impartial juror.

19 Do y'all agree?

20 MR. CARTER: We agree.

21 MS. STEINER: We agree.

22 MR. EVANS: Yes, sir.

23 THE COURT: David Blaylock said more than once
24 he knew Mr. Stewart. He knew Miss Tardy. He knew Miss
25 Rigby. Said he could not be fair and impartial.

26 MR. CARTER: We agree.

27 MS. STEINER: That is Number 90, Your Honor.

28 THE COURT: Yes, ma'am.

29 Number 96. Robert Rawls.

1 MR. HILL: That is the guy that is excused
2 already. Cancer.

3 THE COURT: Right. Excused because he had -- I
4 guess just didn't have his medication or his excuse with
5 him this morning. But based on what he was telling me at
6 the bench, he certainly, I think, needed to be excused.

7 Okay. Number 101. Claude Marlow. I believe he
8 said he did work, mechanic work for the Tardy's at times,
9 was friend and --

10 MR. CARTER: Which one are we on, Your Honor?

11 THE COURT: Number 101. Claude Marlow.

12 MS. STEINER: Yes, Your Honor. We have him.

13 THE COURT: Do y'all have that one?

14 MR. EVANS: Yes, sir.

15 MR. CARTER: Yes, sir.

16 THE COURT: Okay. Let's see.

17 MR. CARTER: You don't have number 91, Your
18 Honor?

19 THE COURT: I hadn't -- she hadn't said she
20 could not be fair and impartial, as far as I know.

21 MR. EVANS: We don't have anything.

22 MR. CARTER: Okay.

23 THE COURT: I have she knew several of the
24 people. Okay.

25 Let's see. Number 115. Lewis Butts. He is related
26 to somebody in law enforcement, and he has got a doubt
27 about whether he can be fair and impartial is what I have
28 got written out there.

29 MR. EVANS: He also worked with one of the

1 victim's brother.

2 THE COURT: Yeah, he sure did.

3 Y'all agree on him?

4 MR. CARTER: Yes, sir.

5 MR. HILL: Yes, sir.

6 MS. STEINER: Yes, Your Honor.

7 THE COURT: Derrick Seals. Number 116. He
8 knew Mr. Golden. Also, I believe works now or did at one
9 point with Willie Golden, Mr. Golden's brother, and said
10 he couldn't be fair and impartial.

11 MR. EVANS: Yes, sir.

12 MR. CARTER: Yes, sir. We agree.

13 THE COURT: Number 124. Mr. Palmertree knew
14 the Stewart family, close friend of Mr. Stewart's father.
15 I think his wife or somebody is related to - was it the
16 Rigbys - and said he could not be fair and impartial?

17 MS. STEINER: (Nodded.)

18 MR. EVANS: We agree.

19 THE COURT: Essie Yates is married to Gary
20 Yates, who is in law enforcement. And she also spoke up
21 and said she knew Mr. Golden, could not be a fair and
22 impartial juror.

23 MR. CARTER: Agree.

24 MR. EVANS: We agree.

25 THE COURT: And Jimmy Vance, he knew Miss Rigby
26 and also law enforcement connection and said he can't be
27 fair and impartial.

28 MR. CARTER: Agree.

29 MR. EVANS: Agree.

1 THE COURT: And I believe 132. Mr. Flowers has
2 said he was second cousin of the defendant and had some
3 doubts about whether he could be a fair and impartial
4 juror.

5 MR. EVANS: Yes, sir.

6 MR. CARTER: We agree.

7 MR. EVANS: Agree for cause.

8 THE COURT: Okay. One hundred forty-two.
9 Tammy Williams. James Thomas Williams is her uncle.
10 Ellis, who is a state -- I mean is her father or uncle.
11 Ellis Bevis, probation officer. James Thomas Williams is
12 state trooper. She said she could not be fair and
13 impartial because of those kinships to law enforcement.

14 MR. EVANS: We agree.

15 MS. STEINER: Agree.

16 THE COURT: Dewey Campbell, his brother Kenneth
17 Campbell, who was former sheriff here. He said because
18 of kinship with law enforcement he could not be fair and
19 impartial.

20 Do y'all --

21 MR. CARTER: Yes, sir.

22 MR. EVANS: Yes, sir.

23 THE COURT: -- agree on that?

24 Okay. One hundred forty-nine. Emma Crawford.

25 MR. CARTER: What about 145, Your Honor?

26 THE COURT: Yeah. I'm sorry. Danny Herod knew
27 the Goldens; knew the Stewarts, Mr. Stewart; law
28 enforcement connection and could not be fair and
29 impartial.

1 Do y'all --

2 MR. EVANS: We agree.

3 THE COURT: Then Emma Crawford, Number 49, 149,
4 I'm sorry, said she could not be fair and impartial. She
5 is, is first cousin to Johnny Hargrove. I think she said
6 she had doubts about whether she could be fair and
7 impartial.

8 MR. DEGRUY: Had doubts.

9 THE COURT: Do y'all agree on her?

10 MR. CARTER: Yes, sir.

11 MR. EVANS: Yes, sir.

12 THE COURT: And let's see. Danny Tompkins.
13 One hundred fifty-seven.

14 MR. HILL: One-fifty-three.

15 THE COURT: Did I skip 153? I had that --

16 MR. EVANS: That one is gone.

17 THE COURT: Yeah. Miss --

18 MR. DEGRUY: She didn't come back.

19 THE COURT: She came -- she came in.

20 MR. EVANS: I marked it off, but she didn't
21 come back.

22 THE COURT: So 157. Danny Tompkins. He is a
23 game warden.

24 MR. HILL: Before we pass up, I had noted on
25 Juror Number 153, assuming she is still here, that she
26 was kin to Marvae Butts, law enforcement officer. That
27 would affect her decision. Does anybody else have that?

28 MS. STEINER: I have that she claimed kinship
29 but it would not.

1 THE COURT: I don't have --

2 MS. STEINER: Is what she said.

3 MR. BERRY: I didn't either.

4 MR. EVANS: I just have that she is kin.

5 THE COURT: She is kin to him, but I didn't
6 have that she said it would affect her.

7 Then 157. Danny Tompkins is a game warden. He knew
8 the Rigbys, knew Miss Rigby, friend of the family, and he
9 said it would affect him in being fair and impartial.

10 MR. CARTER: Agree on that one.

11 MR. EVANS: I had a question mark by him but he
12 never said it would affect him.

13 MR. BERRY: I couldn't hear him say it.

14 MR. EVANS: May need to ask him a few more just
15 to make sure.

16 MR. JOHNSON: I do not have it.

17 THE COURT: Okay. We will check on him,
18 because I mean we are -- you know, it's not going to hurt
19 him to stick around a while longer tomorrow or however
20 long it takes.

21 Number 158. George Moore. His father was former
22 Duck Hill officer, and he said that would affect him.

23 MR. EVANS: Yes, sir.

24 THE COURT: Do y'all agree?

25 MR. CARTER: Agree.

26 THE COURT: One-sixty-two.

27 MR. JOHNSON: Sick baby.

28 THE COURT: One-sixty-two is the lady that went
29 home at lunch today, and her child was not breathing and

1 had to be rushed to the hospital.

2 MR. HILL: I have 160. I have 160. That that
3 would affect. That she was kin to Emory Moore, I guess,
4 or something like that. That would affect her decision.

5 THE COURT: I didn't have that it would affect
6 her, but she said that Mr. Moore, I believe, is her
7 father-in-law.

8 MR. HILL: Anybody else have that?

9 MR. EVANS: I couldn't hear some of what they
10 were answering.

11 MR. HILL: I thought she said it would affect
12 her.

13 THE COURT: I don't have that.

14 MR. JOHNSON: (Shook head.)

15 THE COURT: And let's see. Number 166. Mr.
16 Able was a friend with Mr. Stewart.

17 MR. EVANS: Yes, sir.

18 THE COURT: Do y'all agree on that one?

19 MR. EVANS: We agree.

20 THE COURT: And then the bailiff has given me
21 the juror number that supposedly was text messaging. So
22 I am going to have the bailiff bring that juror right
23 quick, and I'm going to ask a couple of questions.

24 Number 25.

25 MR. EVANS: Your Honor, I have a couple of
26 things that I would want to bring up. One of them, at
27 least, I don't see that it could hurt to go ahead and
28 bring it up now. Because of the Court's ruling that we
29 have got to bring up anything we notice in Court if we

1 ever intend to use it, I want to make sure that I put in
2 the record so that everybody can notice Juror Number 17
3 has been sitting on the front, on the right side there,
4 had been sleeping just about through everything that has
5 been going on.

6 THE COURT: I had not noticed, but I will keep
7 a watch tomorrow.

8 (JUROR NUMBER 25, JACQUELINE SAWYER, ENTERED JUDGE'S
9 CHAMBERS.)

10 THE COURT: Miss Stewart, have you had a cell
11 phone out today?

12 JUROR JACQUELINE SAWYER: Stewart. Sawyer.
13 Yes, sir.

14 THE COURT: And have you been text messaging
15 during this proceeding?

16 JUROR JACQUELINE SAWYER: Yes, sir.

17 THE COURT: What did you not understand about
18 saying we weren't supposed to have cell phones inside the
19 courtroom?

20 JUROR JACQUELINE SAWYER: I just thought you
21 wasn't supposed to -- I didn't know you not supposed to
22 text. I'm sorry.

23 THE COURT: Leave that cell phone at home
24 tomorrow and do not dare bring it inside this courtroom.

25 JUROR JACQUELINE SAWYER: Okay.

26 THE COURT: That will be all. Have a seat back
27 out there.

28 (JUROR NUMBER 25, JACQUELINE SAWYER, LEFT JUDGE'S
29 CHAMBERS.)

1 THE COURT: Okay. I will go out and excuse
2 these, and then the rest we will advise to be here
3 tomorrow.

4 MR. EVANS: Your Honor, while we are here,
5 also, I have one other matter that I want to bring to the
6 Court's attention. We can do it now or after you dismiss
7 the jury.

8 THE COURT: What is that matter?

9 MR. EVANS: It is a matter about some recent
10 publicity. I'd like to bring the article in to the Court
11 if I may.

12 THE COURT: Well, I guess after we send
13 everybody home, it would be easier to take it up outside
14 in the courtroom.

15 MS. STEINER: Did we excuse Juror 166?

16 THE COURT: Right.

17 MS. STEINER: Thank you, Judge.

18 (THE HEARING IN JUDGE'S CHAMBERS WAS CONCLUDED.)

19 (PROCEEDINGS RESUMED IN OPEN COURT. MR. EVANS, MR. HILL,
20 MR. DEGRUY, MRS. STEINER, MR. CARTER AND THE DEFENDANT WERE
21 PRESENT IN THE COURTROOM. PROCEEDINGS WERE AS FOLLOWS:)

22 THE COURT: Court will come back to order.

23 Be seated, please.

24 Okay. Number 69, what is it? Have you got
25 something you need to bring to the Court's attention?

26 JUROR ANTHONY HAMER: Yes, sir. Juror 69. As
27 I speak, I am still registered in Montgomery County as a
28 registered voter on the docket. I have not resided in
29 the city of Winona in four months. I stay in the city of

1 Grenada, but I was uncertain due to the fact that you
2 said you had to be a year or so at the address. But I
3 have went through the proper address, address change at
4 the post office here in Winona months ago.

5 THE COURT: What I think you misunderstood was
6 you've got to be a qualified elector of the county or a
7 resident freeholder for more than one year. And you have
8 abandoned this county as a residence and no longer live
9 here.

10 JUROR ANTHONY HAMER: Yes, sir.

11 THE COURT: And you've permanently moved to
12 Grenada County.

13 JUROR ANTHONY HAMER: Yes, sir. I did a proper
14 address change months ago at the post office. It was
15 just in mailing that came to someone else --

16 THE COURT: Forwarded it to you by somebody
17 else.

18 JUROR ANTHONY HAMER: Yes, sir.

19 THE COURT: Well, I am going to excuse you, Mr.
20 Hamer. If you will go into the clerk's office and have
21 them take your name off the voter roll at this time.

22 Ladies and gentlemen, there are a few of you I am
23 going to be able to excuse today. So if your name is
24 called, you may leave. Jennifer Riddell. And if you
25 will just leave your little fan. And Robert Mooorehead,
26 Number 14. And Sandra Jefcoat Britt, Number 18. And
27 Larry Henry, Number 20. And Teppy Forrest, 23. And
28 James Dendy, 24. Regina Mitchell Ingram, Number 30.
29 Number 34, William Marshall Bennett. Thirty-seven,

1 Connie McElroy Gill. Forty-seven, Karen Diane Johnson.
2 Forty-nine, Robert Reed. Fifty-one, Sara Johnson Cooper.
3 Fifty-three, Theresa Mitchell. Fifty-five, John Patrick
4 White. Sixty-two, Justin King. Sixty-three, David
5 Miller. Sixty-seven, Essie Forrest Barnes.
6 Seventy-three, Debra McKinney. Eighty-three, William
7 Biggers. Eighty-four, Jossie Young. Eighty-six, Peggy
8 Ramsey. Eighty-seven, Jo Ann Bell. Ninety, David
9 Blaylock. Number 96, Roberts Rawls. One hundred one,
10 Claude Marlow. One-fifteen, Lewis Butts. One-sixteen,
11 Derrick Seals. One-twenty-four, Larry Palmertree.
12 Number 127, Essie Yates. One-twenty-eight, Jimmy Vance.
13 One-thirty-two, Arthur Flowers. One-forty-two, Tammy
14 Williams. And one-forty-three, Dewey Campbell.
15 One-forty-five, Danny Herod. One-forty-nine, Emma
16 Crawford. One-fifty-eight, George Moore. Number 162,
17 Laskita Jones. Number 162, Miss Jones.

18 MR. JOHNSON: She's already gone.

19 THE COURT: Okay. That's right.

20 Jason Ables, 166.

21 Ladies and gentlemen, we are going to recess the
22 proceedings for today. I will ask you over this recess
23 please do not discuss this case with anyone. Please do
24 not discuss it among yourselves.

25 I will ask you to be back here at 9:00 in the
26 morning. If you will leave those little fans in the
27 bench there so that they will be available to you in the
28 morning. And if you will, as I say, just recess and be
29 back here in the morning. We'll resume at that time.

1 (THE

2 Gentlemen, this is -- Number 19 just approached.
3 This is Miss Merritt. And she actually just said earlier
4 in the day when the questions were being asked, she was
5 just kind of frightened about standing up. But she has
6 got two small children that basically won't have anybody
7 to take care of them if she is up here. I think six and
8 14.

9 Is that the ages?

10 JUROR LARHONDA MERRITT: Yes, sir.

11 THE COURT: Her husband is an over-the-road
12 truck driver and is gone. And she doesn't have anybody
13 to provide any child care or assistance.

14 Is that correct, Miss Merritt?

15 JUROR LARHONDA MERRITT: Yes, sir.

16 THE COURT: So I believe I -- you know, Miss
17 Merritt is not going to be able to serve because
18 certainly if she was sequestered she -- well, children
19 that age can't be left alone. So I'm going to excuse
20 Miss Merritt at this time.

21 And then Number 68 was the lady that had left
22 earlier because of her son. She heard part of voir dire.
23 Then we had a recess, and she got a call about her son
24 being in an accident.

25 And she's called the clerk's office and said she is
26 going to have to take him to some kind of hospital for
27 more -- I think she was thinking he broke his hand. And
28 she is going to have to take him to the doctor tomorrow.

29 So I guess you can go ahead and mark 68 out. When

1 she left earlier in the day, we didn't -- did not know
2 the status of her son at that point. So we were going to
3 have her come back. I was just going to catch her up on
4 the questions. But I think now she is just going to have
5 to stand excused.

6 (THE REMAINDER OF THE PROCEEDING HEARD ON THIS DAY WAS
7 REPORTED BUT NOT REQUESTED TO BE TRANSCRIBED HEREIN.)

8 (THE PROCEEDING ON THIS DAY WAS CONCLUDED.)

9 (PROCEEDINGS RESUMED IN OPEN COURT ON SEPTEMBER 23, 2008.
10 MR. EVANS, MR. HILL, MR. DEGRUY, MS. STEINER, MR. CARTER AND
11 THE DEFENDANT WERE PRESENT IN OPEN COURT. PROCEEDINGS WERE AS
12 FOLLOWS:)

13 THE COURT: We'll continue the process that we
14 began yesterday further voir diring this case. I will
15 remind you that you are still under oath to answer these
16 questions truthfully.

17 And also, again, if something should arise where you
18 realize you should have spoken up to a question yesterday
19 but did not or at any time a new question comes up or you
20 think about a response that needs to be given and
21 neglected to do so, then, please, at any time speak up
22 and give us responses to all questions.

23 I want to ask you, ladies and gentlemen, now if any
24 of you are related by blood or by marriage to Curtis
25 Giovanni Flowers. Any of you related by blood or by
26 marriage to Mr. Flowers? And if you are, if you would,
27 please, stand at this time.

28 And Miss Boles, how are you related to Mr. Flowers?

29 JUROR RUTHIE BOLES: Through a previous

1 marriage.

2 THE COURT: And which one of his relatives
3 would you have been married to?

4 JUROR RUTHIE BOLES: His second cousin. And
5 also my niece was married to his brother, and they are
6 divorced. Probably about 20 years ago.

7 THE COURT: And would those factors influence
8 you or affect you in any way in being a fair and
9 impartial juror in this case?

10 JUROR RUTHIE BOLES: No, sir.

11 THE COURT: Okay. Thank you.

12 And Mr. Forrest, how are you related to...

13 JUROR WILLIE FORREST: Second cousin.

14 THE COURT: Now, will that affect you or
15 influence you in being a fair and impartial juror in this
16 case?

17 JUROR WILLIE FORREST: Yes, sir.

18 THE COURT: So you feel like you couldn't be
19 fair because of being a related relative; is that
20 correct?

21 JUROR WILLIE FORREST: Yes, sir.

22 THE COURT: Okay. Thank you.

23 Number 35. Mr. Newman, how are you related to Mr.
24 Flowers?

25 JUROR MOSES NEWMAN: His grandmother is sisters
26 with my great grandmother.

27 THE COURT: His grandmother and your great
28 grandmother.

29 JUROR MOSES NEWMAN: Right.

1 THE COURT: I assume that would make y'all, I
2 don't know, cousins in some fashion, but I am not really
3 sure how. I mean -- I mean, you know, I don't -- you
4 probably -- do you know what degree of cousin?

5 JUROR MOSES NEWMAN: I believe it is fourth.

6 THE COURT: Fourth cousin. Third or fourth
7 cousin.

8 And would that influence you or affect you as a fair
9 and impartial juror in this case?

10 JUROR MOSES NEWMAN: No, sir.

11 THE COURT: And if you were to find Mr. Flowers
12 guilty, would you feel that you owed any explanation to
13 relatives or anybody in the family for how you had ruled
14 in this case?

15 JUROR MOSES NEWMAN: No, sir.

16 THE COURT: Okay. Thank you.

17 And let's see. Number 61. Miss Knight, how are you
18 related?

19 JUROR KATHERINE KNIGHT WALLACE: He is my first
20 cousin. He is my grandmother's brother's child.

21 THE COURT: Your grandmother's brother's child.
22 And what cousin did you say?

23 JUROR KATHERINE KNIGHT WALLACE: I think it is
24 first cousin, second cousin.

25 THE COURT: And would that influence you or be
26 a factor in you being a fair and impartial juror in this
27 case?

28 JUROR KATHERINE KNIGHT WALLACE: Yes.

29 THE COURT: Okay. Thank you.

1 Number 82. Mr. Turnage, how are you related to Mr.
2 Flowers?

3 JUROR MARIO TURNAGE: We are first cousins.

4 THE COURT: Is that going to affect your
5 ability to be a fair and impartial juror in this case?

6 JUROR MARIO TURNAGE: Yes.

7 THE COURT: Okay. Thank you.

8 Number 92. Miss Lane, how are you related?

9 JUROR KATHERINE LANE: My children are related
10 to him. I'm not.

11 THE COURT: So your children's father --

12 JUROR KATHERINE LANE: Yeah.

13 THE COURT: -- was related in some fashion.

14 JUROR KATHERINE LANE: To Mr. Flowers. Yeah.

15 THE COURT: Do you know how?

16 JUROR KATHERINE LANE: Their grand -- my
17 children's grandmother and Mr. Flowers' grandmother is
18 sister and brother, I believe.

19 THE COURT: Your children's grandmother and...

20 JUROR KATHERINE LANE: Mr. Flowers' grandmother
21 is sister and brother, I believe. They way down the line
22 somewhere.

23 THE COURT: Okay. And would that influence you
24 --

25 JUROR KATHERINE LANE: No.

26 THE COURT: -- at all in being a fair and
27 impartial juror in this case?

28 JUROR KATHERINE LANE: No.

29 THE COURT: Okay. Thank you.

1 Number 98. And Miss Harris, how is it you are
2 related?

3 JUROR CARON HARRIS: It's, like, fourth cousin.

4 THE COURT: And would that influence you or be
5 a factor in you being a fair and impartial juror in this
6 case?

7 JUROR CARON HARRIS: No.

8 THE COURT: And you could sit in judgment. If
9 the verdict -- if you found the evidence was beyond a
10 reasonable doubt that he was guilty, you could return a
11 verdict of guilty.

12 JUROR CARON HARRIS: Yes.

13 THE COURT: And if you did that, would you feel
14 you owed any explanation to family members or feel ill at
15 ease seeing family members after that verdict?

16 JUROR CARON HARRIS: No.

17 THE COURT: Okay. Thank you.

18 And Number 27. Miss Sanders, how are you related?

19 JUROR FRANCES SANDERS: I'm not. I'm not, but
20 my sister is.

21 THE COURT: Okay.

22 JUROR FRANCES SANDERS: That is her nephew.

23 THE COURT: Mr. Flowers is your sister's
24 nephew.

25 JUROR FRANCES SANDERS: Right.

26 THE COURT: So she is married to --

27 JUROR FRANCES SANDERS: She is married to his
28 uncle.

29 THE COURT: To a uncle.

1 JUROR FRANCES SANDERS: Right.

2 THE COURT: Would that be a factor or influence
3 you at all in being a fair and impartial juror in this
4 case?

5 JUROR FRANCES SANDERS: Yes, it would.

6 THE COURT: Okay. Thank you.

7 Number 48. Yes. Number 48. This is Mr. Seals.
8 And how are you related to Mr. Flowers?

9 JUROR TONNY SEALS: Well, his, his uncle
10 married my mother's first cousin. His dad's brother.

11 THE COURT: Okay. His uncle -- Mr. Flowers'
12 uncle --

13 JUROR TONNY SEALS: Daddy's brother.

14 THE COURT: -- married your mother's first
15 cousin. Would that be a factor or influence you in being
16 a fair and impartial juror in this case?

17 JUROR TONNY SEALS: No.

18 THE COURT: And if the evidence was beyond a
19 reasonable doubt that he was guilty, you could find him
20 guilty.

21 JUROR TONNY SEALS: Yes.

22 THE COURT: And if you did so, would you feel
23 you owed any family or anybody related to you any
24 explanation for how you had ruled in the case?

25 JUROR TONNY SEALS: No.

26 THE COURT: Okay. Thank you.

27 And Number 103. Miss Butts, how are you related to
28 Mr. Flowers?

29 JUROR MARY BUTTS: His grandfather and my

1 father are cousins.

2 THE COURT: His grandfather and your father.

3 JUROR MARY BUTTS: Yes, sir.

4 THE COURT: And they were cousins.

5 JUROR MARY BUTTS: Cousins.

6 THE COURT: And I'm assuming somewhere down the
7 line y'all would be cousins too. I don't know.

8 JUROR MARY BUTTS: Yes, sir.

9 THE COURT: Do you know how?

10 JUROR MARY BUTTS: Not exactly.

11 THE COURT: What degree?

12 JUROR MARY BUTTS: I just know his grandfather
13 and --

14 THE COURT: Right. And would that influence
15 you or be a factor in you being a fair and impartial
16 juror in this case?

17 JUROR MARY BUTTS: Yes, sir.

18 THE COURT: Okay. Thank you.

19 Miss Black, you know Mr. Flowers; is that correct?

20 JUROR STACY BLACK: Yes.

21 THE COURT: Or you are related to him, I mean.
22 How are you related to him?

23 JUROR STACY BLACK: Third cousin.

24 THE COURT: Third.

25 JUROR STACY BLACK: (Nodded.)

26 THE COURT: And would that be a factor or
27 influence you in being a fair and impartial juror in this
28 case?

29 JUROR STACY BLACK: No.

1 THE COURT: And if the evidence was beyond a
2 reasonable doubt that he was guilty, you could find him
3 guilty; is that correct?

4 JUROR STACY BLACK: Yes.

5 THE COURT: And if you did find him guilty,
6 would you feel you owed his family or any of your family
7 explanation for how you had -- how you had ruled in the
8 case?

9 JUROR STACY BLACK: No.

10 THE COURT: Okay. Thank you.

11 I know, of course, you family members have already
12 spoken up and you know who he is. But any of the rest of
13 you that know Mr. Flowers, not related to him but just
14 know him or knew him on sight like when he walked in this
15 morning or you know who he is, if you will, please, stand
16 at this time.

17 And Mr. McKinney, Number 12, how do you know Mr.
18 Flowers?

19 JUROR FRANKLIN MCKINNEY: I don't actually know
20 him, but I work with some of his relatives. So I kind of
21 know some of his family members.

22 THE COURT: And well, which relatives?

23 JUROR FRANKLIN MCKINNEY: Mr., Mr. Flowers that
24 you released yesterday, I work with him.

25 THE COURT: And any others? Any other
26 relatives that you can think of?

27 JUROR FRANKLIN MCKINNEY: Not at all.

28 THE COURT: Would that factor influence you or
29 affect you at all in being a fair and impartial juror in

1 this case?

2 JUROR FRANKLIN MCKINNEY: I think it might.

3 THE COURT: So you are concerned because you
4 are -- work closely with the relative that was on the
5 panel yesterday --

6 JUROR FRANKLIN MCKINNEY: Right. Right.

7 THE COURT: -- and you've got doubts about, in
8 your own mind, about whether you could be fair or not.

9 JUROR FRANKLIN MCKINNEY: Yes, sir.

10 THE COURT: Thank you, Mr. McKinney.

11 JUROR FRANKLIN MCKINNEY: Also, could I --
12 could I add, Your Honor?

13 THE COURT: Yes, sir.

14 JUROR FRANKLIN MCKINNEY: If, if I was -- if it
15 came to the point that I had to be here over the weekend,
16 I pastor a church, and I don't have anybody to take care
17 of my services for me in that situation.

18 THE COURT: Okay.

19 JUROR FRANKLIN MCKINNEY: I just thought I
20 needed to let you know that.

21 THE COURT: Okay. Well, thank you for speaking
22 up, Mr. McKinney.

23 And Miss Palmertree, you know Mr. Flowers.

24 JUROR DAWN PALMERTREE: I don't know Mr. Curtis
25 Flowers, but I do know his father. I worked with his
26 father in Wal-Mart. His father is no longer with us
27 there at Wal-Mart, but...

28 THE COURT: And how long ago was that that you
29 would have worked with his father?

1 JUROR DAWN PALMERTREE: It's been several years
2 ago, but, you know, we worked really close. So I did get
3 to know him really well.

4 THE COURT: And would that be a factor or
5 influence you in being a fair and impartial juror in this
6 case?

7 JUROR DAWN PALMERTREE: It could.

8 THE COURT: So you are doubtful about whether
9 you could be fair because of a friendship with his
10 father.

11 JUROR DAWN PALMERTREE: I would be fair, you
12 know, as, as far as I could, but it could have some
13 influence on me.

14 THE COURT: Okay. Thank you.

15 Miss Sawyer, how do you know Mr. Flowers?

16 JUROR JACQUELINE SAWYER: I'm friends with his
17 sister.

18 THE COURT: And do y'all have an occasion where
19 y'all, you know, socialize and visit in homes and things
20 of that nature?

21 JUROR JACQUELINE SAWYER: Yes, sir.

22 THE COURT: And would that affect you in being
23 a fair and impartial juror in this case?

24 JUROR JACQUELINE SAWYER: Yes, it would.

25 THE COURT: Okay. Thank you.

26 I have to get my numbers straight, because everybody
27 -- my eyes...

28 I see Number 41 is next. And Miss Henson, how do
29 you know Mr. Flowers?

1 JUROR JOYCE HENSON: I don't personally know
2 him, but my husband is the nurse at the Carroll
3 Montgomery County Correctional Facility and does treat
4 him and under his medical care and sees him on a regular
5 basis.

6 THE COURT: And would that influence you or
7 affect you at all in being a fair and impartial juror in
8 this case?

9 JUROR JOYCE HENSON: No, sir.

10 THE COURT: Okay. Thank you.

11 And Number 44. Miss Stovall, how do you know Mr.
12 Flowers?

13 JUROR BRENDA STOVALL: I know his mother and
14 father. I used to -- they have a group, and my son plays
15 with their group.

16 THE COURT: Okay. A musical group of some
17 kind.

18 JUROR BRENDA STOVALL: Yeah.

19 THE COURT: So your son is in a group with Mr.
20 Flowers' parents.

21 JUROR BRENDA STOVALL: Yes.

22 THE COURT: Would that influence you or affect
23 you in being a fair and impartial juror in this case?

24 JUROR BRENDA STOVALL: Yes.

25 THE COURT: Okay. Thank you.

26 And Miss Braswell, what knowledge do you have, or
27 how do you know Mr. Flowers?

28 JUROR BURNADETTE BRASWELL: I don't know him,
29 but I work with his aunt.

1 THE COURT: And what is her name?

2 JUROR BURNADETTE BRASWELL: Hazel Jones.

3 THE COURT: And do, do y'all still work
4 together?

5 JUROR BURNADETTE BRASWELL: Yes, sir.

6 THE COURT: And where is it that you work?

7 JUROR BURNADETTE BRASWELL: PharmNet Pharmacy.

8 THE COURT: And would that be a factor or
9 influence you in being a fair and impartial juror in this
10 case?

11 JUROR BURNADETTE BRASWELL: No, sir.

12 THE COURT: Okay. Thank you.

13 Forty-eight. Mr. Seals, and again, I think you said
14 uncle was married to his first cousin; is that correct?

15 JUROR TONNY SEALS: Yes, sir.

16 THE COURT: And is there any other knowledge
17 that you have of Mr. Flowers or --

18 JUROR TONNY SEALS: Yes, sir.

19 THE COURT: Okay. And tell us that.

20 JUROR TONNY SEALS: I, I practically grew up
21 with Curtis and his brother Archie. Archie and I was
22 classmates, and we are still real good friends.

23 THE COURT: And would that affect you or
24 influence you in being a fair and impartial juror in this
25 case?

26 JUROR TONNY SEALS: Now that probably would.

27 THE COURT: So you have got doubts about your
28 ability to be fair because of your friendship with Archie
29 and growing up with Mr. Flowers.

1 JUROR TONNY SEALS: I could be fair, you know.

2 THE COURT: Well, a fair and impartial juror is
3 going to be one that is not going to be influenced by
4 knowledge of who the individual is and is going to listen
5 to the evidence and render a verdict based on the
6 evidence presented here in court and not on any
7 friendships or ties to anybody but just strictly based on
8 what goes on here in the courtroom.

9 So with that in mind, do you feel you could be a
10 fair and impartial juror?

11 JUROR TONNY SEALS: I could be.

12 THE COURT: Okay. Thank you.

13 Number 50. Miss Rash, how do you know Mr. Flowers?

14 JUROR DYES RASH: I don't know him personally,
15 but I do know his parents. His parents often attend my
16 church, and they participate in our services.

17 THE COURT: And would that be a factor or
18 influence you in being a fair and impartial juror in this
19 case?

20 JUROR DYES RASH: I think it would.

21 THE COURT: So you feel like knowing them
22 would, would influence you.

23 JUROR DYES RASH: Yes.

24 THE COURT: Okay. Thank you.

25 And Miss Rodgers, you know Mr. Flowers.

26 JUROR MELBA RODGERS: I work at Sims Metal
27 Management in Grenada, which is formerly Marsh Brothers
28 Metals. And Mr. Flowers was an employee there for a very
29 brief period of time in May of 1996.

1 And one of the attorneys, the lady sitting over
2 there, I have spoken to her back in the summer. She came
3 by.

4 THE COURT: And would that be a factor or
5 influence you at all in being a fair and impartial juror?

6 JUROR MELBA RODGERS: No.

7 THE COURT: And, and the contact you had with
8 the attorney, would that affect you in any way?

9 JUROR MELBA RODGERS: No, sir.

10 THE COURT: Okay. Thank you.

11 Miss Houston, Number 54, how is it that you know Mr.
12 Flowers?

13 JUROR DUTCHIE HOUSTON: I used to work with his
14 mother, and I work with his auntie.

15 THE COURT: Okay. You worked with his mother.
16 And where was that?

17 JUROR DUTCHIE HOUSTON: At Winona Manor.

18 THE COURT: And, and his aunt. Do you work
19 with her now?

20 JUROR DUTCHIE HOUSTON: Yes, sir.

21 THE COURT: And what is his aunt's name?

22 JUROR DUTCHIE HOUSTON: Essa Campbell.

23 THE COURT: Essa.

24 JUROR DUTCHIE HOUSTON: Essa Campbell.

25 THE COURT: And would those factors influence
26 you or have an affect on you being a fair and impartial
27 juror in this case?

28 JUROR DUTCHIE HOUSTON: Yes, sir.

29 THE COURT: Okay. Thank you.

1 And Number 56. Mr. Ratliff, and how do you know Mr.
2 Flowers?

3 JUROR DENNIS RATLIFF: I know him through his
4 family.

5 THE COURT: And which family members?

6 JUROR DENNIS RATLIFF: His mother and father.

7 THE COURT: And what is your relationship with
8 his parents?

9 JUROR DENNIS RATLIFF: Friends.

10 THE COURT: Are you friends with them or just

11 --

12 JUROR DENNIS RATLIFF: Yeah. His father used
13 to sing with my sister-in-law.

14 THE COURT: And would that influence you or
15 affect you in any way in your ability to be a fair and
16 impartial juror in this case?

17 JUROR DENNIS RATLIFF: No.

18 THE COURT: And if the evidence found that he
19 was guilty, you could find him guilty; is that correct?

20 JUROR DENNIS RATLIFF: Yes.

21 THE COURT: And would you feel if you rendered
22 such a verdict that you would owe the family or anybody
23 any explanation for how you had ruled in the case?

24 JUROR DENNIS RATLIFF: No.

25 THE COURT: Okay. Thank you.

26 Mr. Colbert, and you know Mr. Flowers.

27 JUROR JAMES COLBERT: Yes, sir. I taught and
28 coached his nephew, Brandon Flowers. And my
29 brother-in-law went to school with Mr. Flowers.

1 THE COURT: You taught and coached Mr. Flowers'
2 nephew.

3 JUROR JAMES COLBERT: Right.

4 THE COURT: And your brother taught -- I mean
5 --

6 JUROR JAMES COLBERT: My brother-in-law went to
7 school.

8 THE COURT: Your brother-in-law and he were
9 classmates.

10 JUROR JAMES COLBERT: Yes.

11 THE COURT: And would that influence you or be
12 a factor in you being a fair and impartial juror in this
13 case?

14 JUROR JAMES COLBERT: Yes, sir, it would.

15 THE COURT: And Number 58. Mr. Robinson, how
16 do you know Mr. Flowers?

17 JUROR LUTHER ROBINSON: Through my mom and dad.
18 They knew his mom and dad. Church.

19 THE COURT: And would that influence you or
20 affect you in being a fair and impartial juror in this
21 case?

22 JUROR LUTHER ROBINSON: Yes, sir. I think it
23 would.

24 THE COURT: So you feel like your knowledge of
25 his parents and their friendship with your family would
26 influence you and you just couldn't sit in judgment on
27 him; is that correct?

28 JUROR LUTHER ROBINSON: Yes, sir.

29 THE COURT: Okay. Thank you, Mr. Robinson.

1 And Number 59. Miss Anderson, what is that
2 situation?

3 JUROR DEBRA ANDERSON: I know his whole family.
4 I played ball with his sister and them.

5 THE COURT: And what is his sister's name?

6 JUROR DEBRA ANDERSON: Cora.

7 THE COURT: Cora.

8 JUROR DEBRA ANDERSON: Cora Morales.

9 THE COURT: What is -- what is that?

10 JUROR DEBRA ANDERSON: Cora Morales.

11 THE COURT: Okay. And played ball with her.

12 JUROR DEBRA ANDERSON: Yes, sir.

13 THE COURT: And are y'all still friends?

14 JUROR DEBRA ANDERSON: Yes, sir.

15 THE COURT: And do y'all still see each other
16 occasionally?

17 JUROR DEBRA ANDERSON: No. We don't see each
18 other occasionally.

19 THE COURT: Would that -- would that factor
20 influence you or affect you in any way in being a fair
21 and impartial juror in this case?

22 JUROR DEBRA ANDERSON: Yes, it will.

23 THE COURT: You feel like you just couldn't sit
24 in judgment because of that friendship with the family.

25 JUROR DEBRA ANDERSON: Yes, sir.

26 THE COURT: Okay. Thank you.

27 Number 73. And Miss McKinney, what is that
28 situation? How do you know Mr. Flowers?

29 JUROR DEBRA MCKINNEY: I know Mr. Flowers'

1 family. I been friends with them.

2 THE COURT: Friends with his family.

3 JUROR DEBRA MCKINNEY: (Nodded.)

4 THE COURT: Which family members?

5 JUROR DEBRA MCKINNEY: His grandfather and
6 grandmother. They were members of our church before they
7 -- they are both deceased right now, but they attended
8 our church. And also, his uncle is still a active member
9 there.

10 THE COURT: What is his uncle's name?

11 JUROR DEBRA MCKINNEY: James Earl Campbell.

12 THE COURT: And would those factors be an
13 influence or affect you in being a fair and impartial
14 juror in this case?

15 JUROR DEBRA MCKINNEY: It would.

16 THE COURT: So you just feel like you could not
17 sit in judgment of him because of these family ties that
18 he has where you are friends with them.

19 JUROR DEBRA MCKINNEY: Right.

20 THE COURT: Thank you.

21 Miss Everette, how, how do you know Mr. Flowers?

22 JUROR LATONYA CAMPBELL: Seventy-four.

23 THE COURT: I'm sorry. I was -- I thought that
24 I had -- it was 75 I was looking at, and you are holding
25 74.

26 Miss Campbell. Excuse me.

27 JUROR LATONYA CAMPBELL: Yes.

28 THE COURT: What is that situation?

29 JUROR LATONYA CAMPBELL: He used to talk to my

1 sister.

2 THE COURT: Excuse me.

3 JUROR LATONYA CAMPBELL: He used to go with my
4 sister.

5 THE COURT: And so he and your sister dated
6 then.

7 JUROR LATONYA CAMPBELL: Yes.

8 THE COURT: And would that influence you or
9 affect you in being a fair and impartial juror in this
10 case?

11 JUROR LATONYA CAMPBELL: Yes.

12 THE COURT: You just feel like you could not
13 sit in judgment and render a fair verdict because of
14 that.

15 JUROR LATONYA CAMPBELL: Yes.

16 THE COURT: Okay. Thank you.

17 Mr. Campbell, how do you know Mr. Flowers?

18 JUROR HENRY CAMPBELL: My father is friends
19 with his brother Archie.

20 THE COURT: Your father is what now?

21 JUROR HENRY CAMPBELL: Friends with his brother
22 Archie.

23 THE COURT: And would that be a factor or
24 influence you in any way in being a fair and impartial
25 juror in this case?

26 JUROR HENRY CAMPBELL: Yes, sir.

27 THE COURT: So you just feel like you couldn't
28 sit in judgment on the case because of that; is that
29 correct?

1 JUROR HENRY CAMPBELL: Yes, sir.

2 THE COURT: Okay. Thank you.

3 Number 77. Miss McCuiston, and how do you know Mr.
4 Flowers?

5 JUROR LORA MCCUISTON: I used to work with his
6 mother, and I still work with his aunt. And my cousin
7 was in the group with his father.

8 THE COURT: Okay. You work with his mother at
9 Winona Manor.

10 JUROR LORA MCCUISTON: At Winona Manor. I
11 still work with his aunt.

12 THE COURT: What is his aunt's name that you --

13 JUROR LORA MCCUISTON: Sir.

14 THE COURT: And you work with his aunt now.

15 JUROR LORA MCCUISTON: Aunt Essa. Essa
16 Campbell.

17 THE COURT: That is at Winona Manor.

18 JUROR LORA MCCUISTON: At Winona Manor.

19 THE COURT: And then what was that about the
20 singing?

21 JUROR LORA MCCUISTON: And my cousin sang with
22 his father in the group.

23 THE COURT: Would any of those factors
24 influence you or affect you in being a fair and impartial
25 juror in this case?

26 JUROR LORA MCCUISTON: Yes, sir.

27 THE COURT: And you just feel like you could
28 not sit in judgment in a case involving him because of
29 those ties.

1 JUROR LORA MCCUISTON: No, sir, I couldn't.

2 THE COURT: Okay. Thank you.

3 Miss Butts, how do you know Mr. Flowers?

4 JUROR JOYCE BUTTS: I know his parents.

5 THE COURT: And how do you know them?

6 JUROR JOYCE BUTTS: Through church and through
7 his musical group.

8 THE COURT: And would those factors influence
9 you or affect you in any way in being a fair and
10 impartial juror in this case?

11 JUROR JOYCE BUTTS: No, sir.

12 THE COURT: So you can not have that influence
13 at all; is that correct?

14 JUROR JOYCE BUTTS: That's right.

15 THE COURT: Okay. Thank you.

16 And Mr. Anderson, how do you know Mr. Flowers?

17 JUROR MARIO ANDERSON: I grew up around him and
18 his family.

19 THE COURT: And which of the family would you
20 know?

21 JUROR MARIO ANDERSON: All of them.

22 THE COURT: You know all of the family. And
23 would that influence you or affect you in any way in
24 being a fair and impartial juror in this case?

25 JUROR MARIO ANDERSON: Yes, sir.

26 THE COURT: You just feel like you could not
27 sit in judgment knowing a bunch of his family.

28 JUROR MARIO ANDERSON: (Nodded.)

29 THE COURT: Thank you, Mr. Anderson.

1 Number 85. Mr. Carwile, and how do you know Mr.
2 Flowers?

3 JUROR MARK CARWILE: I don't know him. I once
4 was a classmate, and I worked with his brother around
5 1980.

6 THE COURT: You worked with Mr. Flowers'
7 brother. Which brother was that?

8 JUROR MARK CARWILE: Archie.

9 THE COURT: What was the other thing you said?

10 JUROR MARK CARWILE: I was classmates with
11 Archie.

12 THE COURT: Okay. Classmate with Archie too.
13 Would that influence you or affect you in any way in
14 being a fair and impartial juror in this case?

15 JUROR MARK CARWILE: Not at all.

16 THE COURT: Okay. Thank you.

17 Miss Lane, Number 92, what is that situation?

18 JUROR KATHERINE LANE: I know his mother and
19 father. His auntie and his uncle are neighbors.

20 THE COURT: Okay. Which aunt and uncle is
21 that?

22 JUROR KATERHINE LANE: Miss Jones and Mr. --

23 THE COURT: What is his name?

24 JUROR KATHERINE LANE: Earl Campbell.

25 THE COURT: Okay. And would those factors
26 influence you or affect you in any way in being a fair
27 and impartial juror?

28 JUROR KATHERINE LANE: No.

29 THE COURT: And so you can be friends with them

1 but still sit in judgment.

2 JUROR KATHERINE LANE: I am not friends with
3 them.

4 THE COURT: Okay. You just know them.

5 JUROR KATHERINE LANE: I know them. They are
6 in the community.

7 THE COURT: Okay. Okay.

8 JUROR KATHERINE LANE: I know them, but I am
9 not friends with them.

10 THE COURT: Okay. Okay. Thank you. I
11 appreciate you clearing that up. That would not affect
12 you in any way; is that correct?

13 JUROR KATHERINE LANE: No, sir.

14 THE COURT: Okay. Thank you.

15 Number 95. Miss Hodges, and you know Mr. Flowers.

16 JUROR SALLIE HODGES: I don't know him. I
17 worked with his father at Wal-Mart for a couple of years.
18 His mother was a nurse, worked at the nursing home where
19 my mother was a patient for six years.

20 THE COURT: And would those factors influence
21 you or affect you in any way in being a fair and
22 impartial juror in this case?

23 JUROR SALLIE HODGES: No, sir.

24 THE COURT: Okay. Thank you.

25 Number 99. Miss Corder, and how is it that you
26 would know Mr. Flowers?

27 JUROR DIANNE CORDER: Well, I know most of the
28 Flowers family. I taught Curtis when he was in the
29 eighth grade. Curtis' mother, Lola Flowers, was my

1 mother's CNA at Winona Manor for a period of time. I
2 knew Archie at Wal-Mart. I also knew Archie when he
3 worked at Jeff's One Stop. I taught Essa Campbell,
4 Curtis' aunt.

5 I also taught Hazel Jones, Curtis' aunt. Hazel has
6 been a friend of ours, because she has helped my mother
7 when we have been gone on trips. She has come to my
8 mother's house and helped a few times.

9 THE COURT: And would those factors influence
10 you or affect you in being a fair and impartial juror in
11 this case?

12 JUROR DIANNE CORDER: Would not.

13 THE COURT: So they would not. Those factors
14 would not influence you and you could sit in judgment on
15 the case and not have that be a factor.

16 JUROR DIANNE CORDER: I could.

17 THE COURT: Okay. Thank you.

18 Number 106. Mr. Gover.

19 JUROR EARL GLOVER: Glover.

20 THE COURT: Glover.

21 JUROR EARL GLOVER: Glover.

22 THE COURT: Okay. I had a "L" left out of your
23 name. I apologize.

24 Mr. Glover, how do you know Mr. Flowers?

25 JUROR EARL GLOVER: Well, I know the family,
26 whole family probably. Know his brothers, all his
27 brothers, sisters and brothers. I know his father. I
28 know his sisters and brothers. As a matter fact, I work
29 with one of his sisters every day now.

1 THE COURT: And who is that, his sister?

2 JUROR EARL GLOVER: Priscilla.

3 THE COURT: Priscilla.

4 JUROR EARL GLOVER: Yes, sir.

5 THE COURT: And that is Mr. Flowers' sister.

6 JUROR EARL GLOVER: Sister.

7 THE COURT: And where do y'all work?

8 JUROR EARL GLOVER: Heat Craft Luvata.

9 THE COURT: Okay.

10 JUROR EARL GLOVER: Some folks know it as Heat
11 Craft but it is Luvata really now.

12 THE COURT: Okay. Yeah, I am one of those. I
13 still thought it was Heat Craft.

14 And would those factors influence you or affect you
15 in being a fair and impartial juror in this case?

16 JUROR EARL GLOVER: Yes, sir, I think it would.

17 THE COURT: Okay. Thank you, Mr. Glover.

18 And Number 110. Miss Legg, how do you know Mr.
19 Flowers?

20 JUROR CONNIE LEGG: I do not know Mr. Flowers
21 personally. I know his brother Archie. He worked out at
22 the park, umpires baseball games. My husband also works
23 out there.

24 THE COURT: And would that influence you or
25 affect you in any way in being a fair and impartial juror
26 in this case?

27 JUROR CONNIE LEGG: No.

28 THE COURT: Okay. Thank you.

29 Number 126. Miss Caffey, how do you know Mr.

1 Flowers?

2 JUROR LOUISE CAFFEY: I taught Curtis in
3 elementary school, along with his sisters.

4 THE COURT: You taught him.

5 JUROR LOUISE CAFFEY: I taught him.

6 THE COURT: And what grade was that?

7 JUROR LOUISE CAFFEY: It was library. I was
8 librarian at the school, and he came through the library.

9 THE COURT: Okay.

10 JUROR LOUISE CAFFEY: And his sister.

11 THE COURT: Do you know any of his other
12 relatives?

13 JUROR LOUISE CAFFEY: Probably do but not, not
14 well. I'd recognize names.

15 THE COURT: But don't really come to mind then.

16 JUROR LOUISE CAFFEY: No.

17 THE COURT: Okay. Would the fact that you knew
18 Mr. Flowers through the school where you work, would that
19 influence you or affect you in any way in being a fair
20 and impartial juror in this case?

21 JUROR LOUISE CAFFEY: No, sir.

22 THE COURT: Okay. Thank you.

23 And Mr. Turner, how did you know Mr. Flowers?

24 JUROR JIMMIE TURNER: Just coming up and
25 hanging out around him in the project and things.
26 Basketball. Just it was...

27 THE COURT: So y'all played ball and just
28 generally hung out.

29 JUROR JIMMIE TURNER: Yes, sir.

1 THE COURT: And do you know any of his family?

2 JUROR JIMMIE TURNER: I know quite a few of
3 them.

4 THE COURT: And would those factors influence
5 you or affect you in being a fair and impartial juror in
6 this case?

7 JUROR JIMMIE TURNER: It would.

8 THE COURT: Okay. Thank you, Mr. Turner.

9 One-thirty-three. Miss Thompson, and how do you
10 know Mr. Flowers?

11 JUROR EULANDIA THOMPSON: I don't know him
12 personally, but I do know his father and his brother from
13 singing at our church from their group.

14 THE COURT: And would that be a factor or
15 influence you at all in being a fair and impartial juror
16 in this case?

17 JUROR EULANDIA THOMPSON: No, sir, it would
18 not.

19 THE COURT: Okay. Thank you.

20 Miss Robinson, how do you know Mr. Flowers?

21 JUROR ANN ROBINSON: Classmates.

22 MR. CARTER: What number is she, Judge?

23 THE COURT: Number 135.

24 And y'all went to school here at Winona together.

25 JUROR ANN ROBINSON: (Nodded.)

26 THE COURT: And did y'all graduate in the same
27 class?

28 JUROR ANN ROBINSON: No, sir. He come out the
29 year after I did.

1 THE COURT: Y'all --

2 JUROR ANN ROBINSON: We were classmates.

3 THE COURT: But pretty much at the same time.
4 Just a year apart in school.

5 JUROR ANN ROBINSON: (Nodded.)

6 THE COURT: Would, would that be a factor or
7 influence you at all in being a fair and impartial juror?

8 JUROR ANN ROBINSON: No, sir.

9 THE COURT: And do you know of any of his
10 family or...

11 JUROR ANN ROBINSON: Yes, sir.

12 THE COURT: Which family do you know?

13 JUROR ANN ROBINSON: His uncle Roscoe. And I
14 know his father from Wal-Mart.

15 THE COURT: And would that be a factor at all
16 in being a fair and impartial juror?

17 JUROR ANN ROBINSON: (Shook head.)

18 THE COURT: Okay. Thank you.

19 Number 140. Miss Newman, how do you know Mr.
20 Flowers?

21 JUROR ANN NEWMAN: I don't know him personally,
22 but I work with his mother and his auntie at the nursing
23 home.

24 THE COURT: Now say that again. I couldn't
25 hear it.

26 JUROR ANN NEWMAN: I don't know him personally,
27 but I work with his mother and his aunt at the nursing
28 home.

29 THE COURT: That would be his mother and then

1 Miss Campbell.

2 JUROR ANN NEWMAN: Um-hum.

3 THE COURT: And do you see his aunt pretty
4 regularly out there?

5 JUROR ANN NEWMAN: Yes, sir.

6 THE COURT: And I take it his momma is maybe
7 retired, doesn't work there.

8 JUROR ANN NEWMAN: Yes, sir.

9 THE COURT: And would that influence you, those
10 factors influence you or affect you in any way in being a
11 fair and impartial juror in this case?

12 JUROR ANN NEWMAN: Yes, sir.

13 THE COURT: Okay. Thank you.

14 And Number 144. Mr. Collins, and how is it that you
15 would know Mr. Flowers?

16 JUROR GEORGE COLLINS: Through his brother
17 Archie. Coached him in -- Archie in baseball and
18 softball.

19 THE COURT: And would that be a factor or
20 influence you in any way in being a fair and impartial
21 juror in this case?

22 JUROR GEORGE COLLINS: No, sir.

23 THE COURT: Okay. Thank you.

24 Number 151. Miss Kennedy, and how is it that you
25 would know Mr. Flowers?

26 JUROR STACY KENNEDY: Friends with his sister.

27 THE COURT: Friends of his sister. And what is
28 her name?

29 JUROR STACY KENNEDY: Sherita Flowers. Sherita

1 Flowers.

2 THE COURT: Sherita Flowers. And how often do
3 you and Miss Flowers see each other?

4 JUROR STACY KENNEDY: We used to hang out.

5 THE COURT: You used to hang out.

6 JUROR STACY KENNEDY: Yes, sir.

7 THE COURT: And would that be a factor or
8 influence you in being a fair and impartial juror in this
9 case?

10 JUROR STACY KENNEDY: Yes, sir.

11 THE COURT: Thank you, Miss Kennedy.

12 And Number 55. Miss Bailey, and how do you know
13 him?

14 JUROR SUZANNE BAILEY: I knew him through
15 school, and he graduated with my son or was in my son's
16 graduating class.

17 THE COURT: Okay. And would that be a factor
18 or would that influence you in any way in being a fair
19 and impartial juror in this case?

20 JUROR SUZANNE BAILEY: No, sir.

21 THE COURT: Okay. Thank you.

22 And Mr. Williams, how did -- how did you know Mr.
23 Flowers?

24 JUROR JAMES WILLIAMS: I used to work with his
25 brother.

26 THE COURT: Was that Archie?

27 JUROR JAMES WILLIAMS: Yes, sir.

28 THE COURT: Where did y'all work together?

29 JUROR JAMES WILLIAMS: Richardson Furniture

1 down by Wal-Mart.

2 THE COURT: What was the name of the place?

3 JUROR JAMES WILLIAMS: Richardson Furniture.

4 THE COURT: Richardson. And how long ago was
5 that?

6 JUROR JAMES WILLIAMS: '92. '93. '92.

7 THE COURT: About 10 -- about 15 years ago.

8 JUROR JAMES WILLIAMS: (Nodded.)

9 THE COURT: And would that be a factor or
10 influence you at all in being a fair and impartial juror
11 in this case?

12 JUROR JAMES WILLIAMS: No, sir.

13 THE COURT: Okay. Thank you.

14 And Number 99. Yes, ma'am. Miss Corder.

15 JUROR DIANNE CORDER: I forgot to add that I
16 did teach all of Curtis' brothers and sisters.

17 THE COURT: Okay. And would that be a factor
18 or influence you in being a fair and impartial juror?

19 JUROR DIANNE CORDER: It would not be a factor.

20 THE COURT: Ma'am.

21 JUROR DIANNE CORDER: It would not be a factor.

22 THE COURT: Okay. Thank you.

23 I want to know now, ladies and gentlemen, if any of
24 you --

25 MR. DEGRUY: Judge.

26 THE COURT: Oh, I'm sorry. I did not see you.
27 This is Number 155.

28 Miss Bailey, what, what is that situation?

29 JUROR SUZANNE BAILEY: I might state I was a

1 teacher. And I did teach several of these folks that
2 have been mentioned. I did not realize that some of them
3 were kin to Curtis.

4 THE COURT: And would the fact that you taught
5 some of his relatives influence you or be a factor in you
6 being a fair and impartial juror?

7 JUROR SUZANNE BAILEY: No.

8 THE COURT: I want to know now if any of you
9 have been the victim of some violent-type crime or you
10 have got any relatives that were the victim of some type
11 of violent crime. And if you have that type situation,
12 I'll ask you, please, to stand at this time.

13 And Number 111. Miss Laster, and I believe you had
14 said in your questionnaire that you had had an uncle that
15 was murdered.

16 JUROR DEBORAH LASTER: Yes. Last year.

17 THE COURT: And where was that?

18 JUROR DEBORAH LASTER: It is in Holmes County.

19 THE COURT: And any arrests been made?

20 JUROR DEBORAH LASTER: The man who killed him
21 was killed that same day in a shoot-out with law
22 officers.

23 THE COURT: Okay. Would that be a factor or
24 influence you in being a fair and impartial juror in this
25 case?

26 JUROR DEBORAH LASTER: No, sir.

27 THE COURT: Okay. Thank you.

28 And Miss Boles, what is that situation?

29 JUROR RUTHIE BOLES: I had a sister to be

1 murdered, and I also had a nephew murder somebody.

2 THE COURT: And where was the sister? Where,
3 where did she live?

4 JUROR RUTHIE BOLES: Here in Winona.

5 THE COURT: And how long ago was that?

6 JUROR RUTHIE BOLES: It's been about 20 years.

7 THE COURT: Okay. And, and what was the other
8 relative now?

9 JUROR RUTHIE BOLES: A nephew.

10 THE COURT: And he was also murdered.

11 JUROR RUTHIE BOLES: No. He murdered somebody.

12 THE COURT: Okay. Well, first about your
13 sister, would the fact that you have a sister that was
14 murdered, would that influence you or affect you in any
15 way in being a fair and impartial juror in this case?

16 JUROR RUTHIE BOLES: No.

17 THE COURT: And I believe you said your nephew
18 was convicted of murder.

19 JUROR RUTHIE BOLES: Right.

20 THE COURT: And where was that?

21 JUROR RUTHIE BOLES: Here in Montgomery County.

22 THE COURT: And what was his name?

23 JUROR RUTHIE BOLES: Michael Forrest.

24 THE COURT: And would that be a factor or
25 influence you in being a fair and impartial juror in this
26 case?

27 JUROR RUTHIE BOLES: No.

28 THE COURT: Okay. Thank you.

29 And Miss Corder, I believe you had said you had --

1 your brother's family was robbed in an armed robbery
2 incident.

3 JUROR DIANNE CORDER: (Nodded.)

4 THE COURT: How long ago was that?

5 JUROR DIANNE CORDER: About a year or so.

6 THE COURT: And would anything about that be a
7 factor or influence you in being a fair and impartial
8 juror?

9 JUROR DIANNE CORDER: No, sir.

10 THE COURT: Okay. Thank you.

11 And Number 16. Your father was murdered.

12 JUROR DAWN PALMERTREE: Yes.

13 THE COURT: And how long ago was that?

14 JUROR DAWN PALMERTREE: It's about about 27
15 years ago.

16 THE COURT: Was that in this county or some
17 other county?

18 JUROR DAWN PALMERTREE: Montgomery County.

19 THE COURT: And would that be a factor or
20 influence you at all in being a fair juror in this case.

21 JUROR DAWN PALMERTREE: No, sir. No, sir.

22 THE COURT: Okay. Thank you.

23 And Number 38. And I believe you had, had a family
24 member murdered.

25 JUROR MELODIE CORLEY: Yes, sir. My husband --

26 THE COURT: And who was that family member?

27 JUROR MELODIE CORLEY: My husband's
28 grandfather.

29 THE COURT: And how long ago was that?

1 JUROR MELODIE CORLEY: Been 22 years ago.

2 THE COURT: And were y'all married at the time?

3 JUROR MELODIE CORLEY: Yes, sir.

4 THE COURT: And where did that happen?

5 JUROR MELODIE CORLEY: Carroll County.

6 THE COURT: And would that influence you or
7 affect you in being a fair and impartial juror in this
8 case?

9 JUROR MELODIE CORLEY: No, sir.

10 THE COURT: Okay. Thank you.

11 Number 46. Miss Bond, what is that situation?

12 JUROR JULIA BOND: My nephew was arrested about
13 six years ago for drugs.

14 THE COURT: And would that influence you or be
15 a factor in you being a fair and impartial juror in this
16 case?

17 JUROR JULIA BOND: It probably would, because
18 he is on probation.

19 THE COURT: And it would be a factor or
20 influence you.

21 JUROR JULIA BOND: Probably.

22 THE COURT: And what is his name?

23 JUROR JULIA BOND: Thomas Manning.

24 THE COURT: Okay. Thomas.

25 JUROR JULIA BOND: Thomas Manning.

26 THE COURT: Okay. Thank you.

27 Number 48. And who was it that you had that...

28 JUROR TONNY SEALS: I had a sister-in-law that
29 was murdered in 2002 in Kosciusko.

1 THE COURT: And would that be a factor or
2 influence you in being a fair and impartial juror in this
3 case?

4 JUROR TONNY SEALS: No.

5 THE COURT: Okay. Thank you.

6 Miss Rodgers, I believe you said in the
7 questionnaire that you had a family member murdered. Who
8 was that?

9 JUROR MELBA RODGERS: My uncle by marriage.

10 THE COURT: And how long ago was that?

11 JUROR MELBA RODGERS: Two years.

12 THE COURT: And where did that occur?

13 JUROR MELBA RODGERS: Holmes County.

14 THE COURT: And would that influence you or
15 affect you in being a fair and impartial juror in this
16 case?

17 JUROR MELBA RODGERS: No, sir.

18 THE COURT: Okay. Thank you.

19 Mr. Ratliff, who was it that was murdered or victim
20 of violent crime in your family?

21 JUROR DENNIS RATLIFF: Uncle. Brother. And
22 several kin folks.

23 THE COURT: And what type crime victims were
24 they?

25 JUROR DENNIS RATLIFF: My uncle was domestic
26 violence.

27 THE COURT: Okay. Was, was he the one that was
28 charged or was he --

29 JUROR DENNIS RATLIFF: He the one that

1 deceased.

2 THE COURT: Okay. Uncle charged with
3 domestic...

4 JUROR DENNIS RATLIFF: He was -- he was killed.

5 THE COURT: Oh, he was killed. He was the
6 victim of -- somebody murdered him then. And did that
7 happen in this county or some other?

8 JUROR DENNIS RATLIFF: Yes.

9 THE COURT: And what was his name?

10 JUROR DENNIS RATLIFF: Richard. Richard.

11 THE COURT: Okay. And...

12 JUROR DENNIS RATLIFF: Brother.

13 THE COURT: Okay. What about your brother?

14 JUROR DENNIS RATLIFF: It was in Grenada
15 County. It was -- he was killed.

16 THE COURT: And what was his name?

17 JUROR DENNIS RATLIFF: Frank. Franklin
18 Ratliff.

19 THE COURT: And has anybody ever been arrested
20 up there in that?

21 JUROR DENNIS RATLIFF: No.

22 THE COURT: And any other relative?

23 JUROR DENNIS RATLIFF: Several cousins. Put
24 them in there.

25 THE COURT: And where were they?

26 JUROR DENNIS RATLIFF: Montgomery County.

27 THE COURT: And would those factors influence
28 you? You've got a brother and an uncle and -- that's
29 been murdered. Would that influence you or be a factor

1 in you being a fair and impartial juror in this case?

2 JUROR DENNIS RATLIFF: Yes.

3 THE COURT: So you just feel like because of
4 those circumstances with your family; is that correct?

5 JUROR DENNIS RATLIFF: Yes.

6 THE COURT: Okay. You can be seated. Thank
7 you.

8 Number 64. Mr. Groves, and I believe you put, put
9 in your questionnaire you had had family member murdered.
10 and who, who was that?

11 JUROR DANNY GROVES: It would be Ronald
12 Perkins. First cousin.

13 THE COURT: And where did that happen?

14 JUROR DANNY GROVES: Shelby County.

15 THE COURT: Isn't that Tennessee?

16 JUROR DANNY GROVES: Yes, sir.

17 THE COURT: How long ago was that?

18 JUROR DANNY GROVES: Right at 15 years.

19 THE COURT: Would that be a factor or influence
20 you in any way in you being a fair and impartial juror in
21 this case?

22 JUROR DANNY GROVES: No, sir. No, sir.

23 THE COURT: Okay. Thank you.

24 And Number 70. Miss Purnell, you had a family
25 member victim of a home invasion; is that correct?

26 JUROR MARY PURNELL: Yes, sir.

27 THE COURT: And any other situations?

28 JUROR MARY PURNELL: No, sir.

29 THE COURT: And where did that occur?

1 JUROR MARY PURNELL: Harvey, Illinois.

2 THE COURT: And how -- what family member was
3 that?

4 JUROR MARY PURNELL: My brother.

5 THE COURT: And would that influence you or be
6 a factor in you being a fair and impartial juror in this
7 case?

8 JUROR MARY PURNELL: No, sir.

9 THE COURT: Okay. Thank you.

10 And Number 75. Miss Everett, and what is that
11 situation?

12 JUROR ROSEMARY EVERETT: My son was killed.

13 THE COURT: And what was his name?

14 JUROR ROSEMARY EVERETT: Yorita. Y-o-r-i-t-a.

15 THE COURT: Yorita. Okay. And Everett was his
16 last name.

17 JUROR ROSEMARY EVERETT: No. Griffin.

18 Griffin.

19 THE COURT: Griffin.

20 JUROR ROSEMARY EVERETT: With an "i".

21 THE COURT: Okay. How long ago did that
22 happen?

23 JUROR ROSEMARY EVERETT: September 19, 1996.

24 THE COURT: And where did it occur?

25 JUROR ROSEMARY EVERETT: Leflore County.

26 THE COURT: And would that influence you or be
27 a factor in you being a fair and impartial juror in this
28 case?

29 JUROR ROSEMARY EVERETT: No.

1 THE COURT: Okay. Thank you.

2 And Miss Butts, what is the situation with you
3 having a family member?

4 JUROR JOYCE BUTTS: My aunt killed my uncle.
5 My brother was killed, was murdered. And I have several
6 nephews.

7 THE COURT: And you've got who with your aunt?
8 Your uncle was killed by your aunt? What was the next
9 one?

10 JUROR JOYCE BUTTS: My brother.

11 THE COURT: And where was the situation
12 involving your aunt and uncle?

13 JUROR JOYCE BUTTS: Montgomery County.

14 THE COURT: And how long ago?

15 JUROR JOYCE BUTTS: 1970.

16 THE COURT: 1970. And then how about your
17 brother?

18 JUROR JOYCE BUTTS: 1994.

19 THE COURT: Did that happen in this county as
20 well?

21 JUROR JOYCE BUTTS: Grenada.

22 THE COURT: Grenada. And what was his name?

23 JUROR JOYCE BUTTS: Frank Ratliff.

24 THE COURT: Was anybody ever arrested in that?

25 JUROR JOYCE BUTTS: No, sir.

26 THE COURT: And then you were going to say some
27 other things.

28 JUROR JOYCE BUTTS: I have several nephews.

29 THE COURT: And have they been crime victims?

1 JUROR JOYCE BUTTS: Of drugs. Yes, sir.

2 THE COURT: They have been drug victims --

3 JUROR JOYCE BUTTS: Drug --

4 THE COURT: -- or they have been arrested?

5 JUROR JOYCE BUTTS: Arrested for drugs,
6 trafficking.

7 THE COURT: And would any of those factors
8 influence you or affect you in being a fair and impartial
9 juror in this case?

10 JUROR JOYCE BUTTS: No, sir.

11 THE COURT: Okay. Thank you.

12 And Number 48. Mr. Seals, you had something else.

13 JUROR TONNY SEALS: Yes, sir. I failed to say
14 about my brother. He was killed in 1987. December 24,
15 1987.

16 THE COURT: And would that influence you or
17 affect you in being a fair and impartial juror?

18 JUROR TONNY SEALS: It would affect me.

19 THE COURT: So the fact that your brother, that
20 would probably bring memories up, I guess and --

21 JUROR TONNY SEALS: Yes, sir.

22 THE COURT: And you just feel like you could
23 not be fair because of that; is that correct?

24 JUROR TONNY SEALS: Yes, sir.

25 THE COURT: Okay. Thank you.

26 Number 93.

27 JUROR HARLEY MATTHEWS: I have a nephew in
28 Alabama that has been convicted.

29 THE COURT: And would that influence you or

1 affect you in any way in being a fair and impartial
2 juror?

3 JUROR HARLEY MATTHEWS: No, sir.

4 THE COURT: Okay. Thank you.

5 Numbered 99. Miss Corder, what is that situation?

6 JUROR DIANNE CORDER: I had an aunt, my
7 father's sister, who was murdered by her husband in
8 Webster County 48 years ago, June 6, 1960.

9 THE COURT: Ma'am.

10 JUROR DIANNE CORDER: June 6, 1960, is when it
11 occurred.

12 THE COURT: And would that influence you or
13 affect you in being a fair and impartial juror in this
14 case?

15 JUROR DIANNE CORDER: No, sir, it would not.

16 THE COURT: Okay. Thank you.

17 And Mr. Glover, what, what is the situation? You
18 had a family member murdered?

19 JUROR EARL GLOVER: Yes, sir. I had a brother
20 that got killed in Milwaukee.

21 THE COURT: And, and how long ago was that?

22 JUROR EARL GLOVER: It probably be about 25 or
23 26 years ago.

24 THE COURT: And would that influence you or be
25 a factor in you being a fair and impartial juror in this
26 case?

27 JUROR EARL GLOVER: Probably so.

28 THE COURT: So you've got some doubts about
29 that; is that correct?

1 JUROR EARL GLOVER: Yes, sir. Yes, sir.

2 THE COURT: Okay. Thank you.

3 Number 147. And I believe you put in your
4 questionnaire that you had been assaulted, victim of
5 aggravated assaulted.

6 JUROR JAMITA SMITH: Yes.

7 THE COURT: And where did that occur?

8 JUROR JAMITA SMITH: Chicago, Illinois.

9 Chicago, Illinois. And my --

10 THE COURT: And how long ago was that?

11 JUROR JAMITA SMITH: Approximately, like, six
12 years ago.

13 THE COURT: And was anybody arrested?

14 JUROR JAMITA SMITH: Yes.

15 THE COURT: And you were going to say something
16 else.

17 JUROR JAMITA SMITH: Yes. My uncle shot my
18 aunt in the head. She didn't die, but he got convicted.

19 THE COURT: And he was convicted.

20 JUROR JAMITA SMITH: Yes. In Chicago,
21 Illinois. And I lost a best friend. My best friend was
22 gunned down in the same place. And my cousin got -- was
23 in a robbery at her house, and she was murdered in
24 Chicago, Illinois.

25 THE COURT: And would those factors influence
26 you or affect you --

27 JUROR JAMITA SMITH: No, sir.

28 THE COURT: -- in any way?

29 JUROR JAMITA SMITH: No, sir.

1 THE COURT: Okay. Thank you.

2 Number 153. Miss Butts, what is that situation?

3 JUROR NORA BUTTS: The situation was aggravated
4 assault.

5 THE COURT: And --

6 JUROR NORA BUTTS: There --

7 THE COURT: Were, were you the victim of an
8 aggravated assaulted?

9 JUROR NORA BUTTS: There were two more charges.

10 THE COURT: Okay.

11 JUROR NORA BUTTS: Kidnapping and attempted
12 rape.

13 THE COURT: And how long ago was that?

14 JUROR NORA BUTTS: Back in '91.

15 THE COURT: 1991.

16 JUROR NORA BUTTS: Correct.

17 THE COURT: And was somebody arrested?

18 JUROR NORA BUTTS: In '93.

19 THE COURT: And were they convicted?

20 JUROR NORA BUTTS: Yes.

21 THE COURT: And would that influence you or be
22 a factor in you being a fair and impartial juror in this
23 case?

24 JUROR NORA BUTTS: It would not.

25 THE COURT: Okay. Thank you.

26 And Miss McGowan, you had a friend or something
27 murdered; is that correct?

28 JUROR BEVERLY MCGOWAN: My son.

29 THE COURT: Son. I'm sorry. It didn't --

1 wasn't clear on the questionnaire, or, or I didn't read
2 it all the way or something. And how long ago was that?

3 JUROR BEVERLY MCGOWAN: Ten years.

4 THE COURT: And where did that occur?

5 JUROR BEVERLY MCGOWAN: Attala.

6 THE COURT: Where?

7 JUROR BEVERLY MCGOWAN: Attala County.

8 THE COURT: And was anybody arrested?

9 JUROR BEVERLY MCGOWAN: No, sir.

10 THE COURT: And would that be a factor or
11 influence you?

12 JUROR BEVERLY MCGOWAN: No, sir.

13 THE COURT: So you could be a fair and
14 impartial juror.

15 JUROR BEVERLY MCGOWAN: No, sir.

16 THE COURT: You --

17 JUROR BEVERLY MCGOWAN: I could be fair.

18 THE COURT: Okay. Thank you.

19 Anyone else?

20 Yes, ma'am.

21 JUROR CINDY JOHNSON: I've got a question.

22 You're talking about a violent crime, one that results in
23 murder? Or are you talking about --

24 THE COURT: Well, I am talking about like a
25 murder, armed robbery, rape, kidnapping, that type, where
26 there was some violence or force against -- that was used
27 against someone. You know, like those, those were the
28 type. But if you have got something that you feel like,
29 you know...

1 JUROR CINDY JOHNSON: Well, my oldest child was
2 robbed at Bridges. He is 16.

3 THE COURT: And how long ago was that?

4 JUROR CINDY JOHNSON: It was after the
5 questionnaire. It was a couple of months ago.

6 THE COURT: Has anybody been arrested on that?

7 JUROR CINDY JOHNSON: There was someone
8 arrested.

9 THE COURT: And would the fact that your child
10 was robbed influence you or be a factor at all in you
11 being fair and impartial?

12 JUROR CINDY JOHNSON: No. Huh-huh.

13 THE COURT: Okay. Thank you.

14 Then Miss Holland.

15 JUROR TINA HOLLAND: My, my family was not the
16 victim, but I had two nephews that were charged with.
17 One was murder and one was forgery.

18 THE COURT: And how long ago was that?

19 JUROR TINA HOLLAND: Sixteen years ago. And
20 then one was like a year ago.

21 THE COURT: Which one was a year ago?

22 JUROR TINA HOLLAND: The forgery. And then the
23 nephew that was charged with murder 16 years ago is still
24 there for some other charges.

25 THE COURT: Okay. What was his name?

26 JUROR TINA HOLLAND: Richie Bryant. Richard
27 Bryant.

28 THE COURT: And would those factors influence
29 you or be a factor in you being a fair and impartial

1 juror at all in this case?

2 JUROR TINA HOLLAND: No, sir.

3 THE COURT: Okay. Thank you.

4 And Number 133. Miss Thompson, what is the
5 situation?

6 JUROR EULANDIA THOMPSON: I was like she was.
7 I wasn't really clear. But then if you are talking about
8 people that have committed crimes also, I have two
9 nephews through marriage that were charged with crimes.

10 THE COURT: And what were those crimes?

11 JUROR EULANDIA THOMPSON: One was burglary with
12 a weapon, and the other one was running from the law.

13 THE COURT: And would that influence you at all
14 in being a fair and impartial juror in this case?

15 JUROR EULANDIA THOMPSON: No, sir, it would
16 not.

17 THE COURT: And I believe you put on your
18 questionnaire maybe a nephew convicted, by marriage,
19 convicted of robbery; is that correct?

20 JUROR EULANDIA THOMPSON: That's right.

21 THE COURT: Was that the same one you are
22 talking about?

23 JUROR EULANDIA THOMPSON: That's the same one
24 I'm talking about. The robbery.

25 THE COURT: Okay. Okay. Thank you.

26 JUROR EULANDIA THOMPSON: Um-hum.

27 THE COURT: Miss McCuiston, what is the
28 situation?

29 JUROR LORA MCCUISTON: My brother-in-law was

1 convicted of murder.

2 THE COURT: And how long ago?

3 JUROR LORA MCCUISTON: Over 20 years ago.

4 THE COURT: And would that be a factor or
5 influence you in being a fair and impartial juror?

6 JUROR LORA MCCUISTON: Yes.

7 THE COURT: And Number 92. Miss Lane.

8 JUROR KATHERINE LANE: My son.

9 THE COURT: And was he -- been charged with
10 something or --

11 JUROR KATHERINE LANE: He is serving time.

12 THE COURT: And what charge?

13 JUROR KATHERINE LANE: Drugs.

14 THE COURT: What is his name?

15 JUROR KATHERINE LANE: James Kemp. James Lamar
16 Kemp.

17 THE COURT: Okay. And would that be a factor
18 or influence you in any way in being a fair juror in this
19 case?

20 JUROR KATHERINE LANE: No.

21 THE COURT: Okay. Thank you.

22 And Number 112. What is this situation?

23 JUROR SHELIA CLAY: One brother-in-law
24 currently serving time in Bolivar County for rape. And
25 the other one is -- he is out on probation.

26 THE COURT: And he was arrested for robbery.

27 JUROR SHELIA CLAY: Um-hum.

28 THE COURT: And what are these brother-in-law's
29 names?

1 JUROR SHELIA CLAY: The one for rape is Calvin
2 Robinson from Leflore County. And the one for robbery is
3 Filaray (phonetic) Townsend.

4 THE COURT: What was the name again?

5 JUROR SHELIA CLAY: Filaray Townsend.

6 THE COURT: And would these factors influence
7 you or affect you in any way in being a fair and
8 impartial juror?

9 JUROR SHELIA CLAY: No, sir.

10 THE COURT: Okay. Thank you.

11 Number 147. Miss Smith.

12 JUROR JAMITA SMITH: I told you it was
13 approximately six years ago. It happened in 2003, maybe
14 2004.

15 THE COURT: That was when you were --

16 JUROR JAMITA SMITH: Yes.

17 THE COURT: So it happened in 2003.

18 JUROR JAMITA SMITH: Yes.

19 THE COURT: I appreciate you clearing that up.
20 Number 15.

21 JUROR RONALD BENNETT: My wife was -- had the
22 unfortunate opportunity to be in the bank when it was
23 robbed in 1969.

24 THE COURT: Would that be a factor or influence
25 you in this case?

26 JUROR RONALD BENNETT: No, sir.

27 THE COURT: It would not.

28 JUROR RONALD BENNETT: No, sir.

29 THE COURT: Okay. Thank you.

1 And I think several have already answered the
2 question, but I was going to ask next if any of you had a
3 family member that was convicted of some type of crime.

4 I know several of you have spoken up. You don't
5 have to stand again.

6 But any of the rest of you that have not spoken up
7 on that, if you have some family member that has been
8 convicted of the commission of some crime, if you will,
9 please stand and let us know that.

10 I take it there is no -- okay.

11 And Mr. Seals, what was that situation?

12 JUROR TONNY SEALS: First cousin. She was the
13 victim. Murdered her husband. It happened in Montgomery
14 County.

15 THE COURT: And how long ago was that?

16 JUROR TONNY SEALS: Like around '85 or
17 somewhere.

18 THE COURT: And would that influence you or be
19 a factor in you being a fair and impartial juror?

20 JUROR TONNY SEALS: No, that wouldn't.

21 THE COURT: Okay. Thank you.

22 Miss Houston, what is that situation?

23 JUROR DUTCHIE HOUSTON: A brother.

24 THE COURT: And what was he --

25 JUROR DUTCHIE HOUSTON: Armed robbery.

26 THE COURT: And how long ago was that?

27 JUROR DUTCHIE HOUSTON: About ten years.

28 THE COURT: Was he convicted of that?

29 JUROR DUTCHIE HOUSTON: Yes, sir.

1 THE COURT: And would that be a factor or
2 influence you in being a fair and impartial juror in this
3 case?

4 JUROR DUTCHIE HOUSTON: Yes, sir. Yes, sir.

5 THE COURT: So it would influence you. Okay.
6 Thank you.

7 Number 60. Miss Blakely, and what is that
8 situation?

9 JUROR SHIRLEY BLAKELY: My husband has, I know
10 of two nephews that has served time for drugs.

11 THE COURT: Would that -- those factors
12 influence you at all in being a fair and impartial juror?

13 JUROR SHIRLEY BLAKELY: No.

14 THE COURT: Okay. Thank you.

15 Number 81. Mr. Anderson, and I believe you said you
16 had an uncle convicted of murder.

17 JUROR MARIO ANDERSON: Yes, sir.

18 THE COURT: And where was that? Here? Here in
19 this county?

20 JUROR MARIO ANDERSON: Yes, sir.

21 THE COURT: And how long ago was that?

22 JUROR MARIO ANDERSON: Twelve years.

23 THE COURT: And would that be a factor or
24 influence you in being a fair juror in this case?

25 JUROR MARIO ANDERSON: No.

26 THE COURT: Okay. Thank you.

27 And Number 99. Miss Corder.

28 JUROR DIANNE CORDER: I have a second cousin
29 who is currently serving time in a jail in Cleveland,

1 Mississippi, for drugs, selling drugs.

2 THE COURT: And would that be a factor or
3 influence you in any way?

4 JUROR DIANNE CORDER: No.

5 THE COURT: Okay. Thank you.

6 135. And --

7 JUROR ANN ROBINSON: My grandfather was
8 convicted of --

9 THE COURT: I, I could not hear that.

10 JUROR ANN ROBINSON: My grandfather was
11 convicted of killing my uncle. It was in...

12 THE COURT: How long ago was that?

13 JUROR ANN ROBINSON: I think it was in May of
14 '83.

15 THE COURT: May of '83.

16 JUROR ANN ROBINSON: Or something like that.

17 THE COURT: And would that influence you or be
18 a factor in you being a fair and impartial juror in this
19 case?

20 JUROR ANN ROBINSON: (Shook head.)

21 THE COURT: And, and I believe you said in your
22 questionnaire maybe somebody else had been convicted of
23 like firearm charges or something. Now, who was that?

24 JUROR ANN ROBINSON: My husband.

25 THE COURT: Husband. And how long ago was
26 that?

27 JUROR ANN ROBINSON: About seven years.

28 THE COURT: How long?

29 JUROR ANN ROBINSON: About seven years.

1 THE COURT: And what is his name?

2 JUROR ANN ROBINSON: Edward Ross.

3 THE COURT: Edward. And would that be a factor
4 or influence you in being a fair juror in this case?

5 JUROR ANN ROBINSON: (Shook head.)

6 THE COURT: Okay. Thank you.

7 Then, Miss Bailey, and you've got a cousin that's
8 got in trouble for crystal meth.

9 JUROR ANGELA BAILEY: Right.

10 THE COURT: And would that influence you or
11 affect you in being a fair and impartial juror in this
12 case?

13 JUROR ANGELA BAILEY: No, it wouldn't.

14 THE COURT: Okay. Thank you. Anyone else that
15 has got a situation where some relative is convicted?

16 Ladies and gentlemen, I am going to allow you a
17 recess at this time.

18 I'll ask you during this recess, please do not
19 discuss this case with anyone or among yourselves. You
20 can't talk to the lawyers, parties, witnesses or anyone
21 involved in the case.

22 And if you will all step out of the courtroom and be
23 back ready to come in at 10:30.

24 (THE PROSPECTIVE JURORS LEFT THE COURTROOM.)

25 THE COURT: Counsel, I thought maybe we might
26 go through the list now and look and see if there is some
27 others to be excused for cause.

28 I've -- and y'all have got plenty of experience too.
29 But if people -- a lot of them, they will just have to

1 stand up and answer the same questions over and over.
2 And it's easier to just let some people go here out like
3 we did yesterday.

4 MS. STEINER: Your Honor, jurors may wander in
5 and out.

6 THE COURT: Have we got any jurors in the
7 courtroom at this time?

8 BAILIFF BROWNING: We do. I, I need to ask you
9 something.

10 THE COURT: Well, I need all the jurors out
11 right now.

12 BAILIFF BROWNING: Okay.

13 THE COURT: Y'all make sure we don't have any
14 jurors.

15 Okay. I think the courtroom is clear.

16 Thank you for -- I thought they were actually all
17 out.

18 Okay. I'll start. I believe Number 12, Mr.
19 McKinney, had stated that he knows Mr. Flowers and worked
20 with some of Mr. Flowers' relatives.

21 MR. EVANS: Your Honor, how about Number 4?

22 THE COURT: Oh, I'm sorry. I did overlook 4.
23 I had that written and just overlooked it.

24 But Mr. Forrest said he is second cousin to Mr.
25 Flowers and could not be fair and impartial.

26 MR. EVANS: Yes, sir.

27 THE COURT: Do both sides agree there?

28 MR. CARTER: Yes, sir.

29 THE COURT: And then Number 12. Mr. McKinney

1 knows Mr. Flowers, worked with relatives of Mr. Flowers
2 and said he could not be fair and impartial.

3 Do y'all both agree there?

4 MR. EVANS: Yes, sir.

5 MR. CARTER: Yes, sir.

6 THE COURT: And let's see. Number 16. Miss
7 Palmertree. She worked at Wal-Mart several years with
8 Mr. Flowers' father. I think she thought a lot of him
9 from my indications from what she was saying and that she
10 said that would affect her and she could not be fair and
11 impartial.

12 Do y'all agree there?

13 MR. EVANS: Yes, sir.

14 MR. DEGRUY: Yes, sir.

15 THE COURT: And then Number 25 is friends with
16 Mr. Flowers' sister. Is that --

17 MR. EVANS: How about 19, Your Honor?

18 THE COURT: Nineteen has already been excused.

19 MR. EVANS: Has he? Okay. I didn't have it
20 marked off.

21 MR. HILL: We are on 25.

22 THE COURT: Right. Then Number 25 knows Mr.
23 Flowers, friends with sister and said she couldn't be
24 fair and impartial. Do y'all agree on that?

25 MR. EVANS: Yes, sir.

26 THE COURT: And Miss Young. Number 27. I
27 believe she said her -- something like Mr. Flowers'
28 nephew married to her uncle or her...

29 MR. EVANS: Sisters --

1 THE COURT: Sisters --

2 MR. EVANS: Her sister's nephew.

3 THE COURT: Right. Okay.

4 MR. EVANS: It would affect her.

5 THE COURT: She said she couldn't be fair and
6 impartial.

7 Do y'all agree?

8 MR. DEGRUY: Yes, sir.

9 THE COURT: Number 44. Miss Stovall. She
10 knows Mr. Flowers' parents. Her son is in a group with
11 Mr. Flowers' parents. And she said that would affect her
12 in being fair and impartial.

13 Do y'all agree on her?

14 MR. EVANS: Yes, sir.

15 THE COURT: Mr. Seals, Number 48, said he had
16 had a brother that was murdered in 1987 and that that
17 would affect him in being a fair and impartial juror.

18 Do y'all agree on him?

19 MR. CARTER: Yes, sir.

20 MR. EVANS: Yes, sir. And just for the record,
21 he also stated that he grew up with the defendant and his
22 brother, Archie, Jr., that they were still good friends
23 and that that would also affect him.

24 THE COURT: He had said on that that -- he
25 ended up saying he could be fair because of that. But
26 when his brother got mentioned, he said that would affect
27 him in being fair and impartial.

28 Do y'all agree?

29 MR. EVANS: Yes, sir.

1 MR. CARTER: Forty-six, too, Your Honor, I
2 believe.

3 THE COURT: I'm sorry. You're correct.

4 Number 46. She had a nephew arrested for drugs and
5 said she could not be fair and impartial because of that.

6 MR. EVANS: That's correct, Your Honor.

7 THE COURT: Do y'all agree to both?

8 MR. CARTER: Yes, sir.

9 THE COURT: Let's see. Number 50. Mr. -- Miss
10 Rash, I'm sorry, knows Mr. Flowers' parents. She often
11 attends the same church with them and participates --
12 they participate in services where she is a member.

13 Do y'all agree?

14 MR. EVANS: Yes, sir.

15 MR. CARTER: Yes, sir.

16 THE COURT: Let's see. I've got Number 54. I
17 believe she said her brother was convicted. Her --
18 (THE BACK DOOR OF THE COURTROOM WAS OPENED.)

19 Where are our other bailiffs? If they will maybe
20 stand at the door too.

21 (A BAILIFF CLOSED THE BACK DOOR OF THE COURTROOM.)

22 Brother convicted of armed robbery. And she said
23 that would influence her; is that correct?

24 MR. EVANS: Yes, sir.

25 MR. CARTER: Yes, sir.

26 THE COURT: Do y'all agree on that?

27 MR. EVANS: Yes, sir.

28 MR. HILL: Just a minute, Your Honor.

29 THE COURT: And Number 56. Mr. Ratliff's

1 brother was murdered. Franklin Ratliff. His brother was
2 murdered, and he said that he could not be a fair juror
3 because of that.

4 Do y'all agree?

5 MR. EVANS: Yes, sir.

6 THE COURT: And then Number 57. Mr. Colbert.
7 He knows Mr. Flowers. I think he, he said he teaches and
8 coaches Mr. Flowers' nephew or has. And his
9 brother-in-law and Mr. Flowers were classmates. And he
10 said because of those factors, he could not be a fair and
11 impartial juror.

12 Do y'all agree on that?

13 MR. EVANS: Yes, sir.

14 MR. CARTER: Yes.

15 THE COURT: Then Number 58. Mr. Robinson. And
16 he said he knows Mr. Flowers and knows Mr. Flowers'
17 parents and knows them from church and he could not be
18 fair and impartial.

19 MR. CARTER: Yes, sir.

20 MR. EVANS: Yes, sir.

21 THE COURT: And then Debra Anderson. Number
22 59. She said she knew all of his family, and she played
23 ball with Mr. Flowers' sister. And she said that would
24 affect her and that she could not be fair and impartial.

25 MR. EVANS: Yes, sir.

26 MR. CARTER: Agree.

27 THE COURT: And then Number 73. Miss McKinney.

28 MR. CARTER: What about 61, Your Honor?

29 MR. EVANS: Sixty-one.

1 THE COURT: Did I -- I'm sorry. Did I overlook
2 somebody?

3 MR. EVANS: Yes, sir.

4 MR. CARTER: Sixty-one.

5 THE COURT: I thought she said she would -- I
6 mean she said she was --

7 MR. EVANS: First cousin. Her grandmother's
8 brother.

9 THE COURT: Yeah. Well, I agree.
10 Realistically, I don't think a first cousin is going to
11 be able to sit.

12 Do y'all agree on that one?

13 MR. CARTER: Well...

14 MR. EVANS: She said it would affect her.

15 MR. CARTER: My records show that she said she
16 couldn't be fair.

17 THE COURT: Okay. So y'all agree on her?

18 MR. CARTER: Yes, sir.

19 MR. EVANS: Yes, sir.

20 THE COURT: And okay. Number 73. Miss
21 McKinney. She knows Mr. Flowers' family, and her
22 grandparents are members of the church where he went.
23 She also knows Johnny Earl Campbell, who, I believe, is
24 Mr. Flowers' uncle. She said she could not be fair and
25 impartial.

26 Do y'all agree?

27 MR. EVANS: Yes, sir.

28 THE COURT: And then Number 74. Miss Campbell.
29 She knows Mr. Flowers. Her sister dated Mr. Flowers and

1 that she couldn't be fair and impartial.
2 Do y'all agree there?
3 MR. EVANS: Yes, sir.
4 MR. CARTER: Yes, sir.
5 THE COURT: And then Number 76. Henry
6 Campbell, Jr. He knows Mr. Flowers. His father is
7 friends with Archie Flowers, who is Mr. Flowers' brother.
8 He said he could not be fair and impartial.
9 MR. CARTER: Agree.
10 MR. EVANS: Yes, sir.
11 THE COURT: And then Miss McCuiston. Did she
12 say her brother-in-law was convicted?
13 MR. EVANS: Yes, sir. Of murder.
14 THE COURT: And that she could not be fair and
15 impartial because of that.
16 MR. EVANS: Yes, sir.
17 THE COURT: Do y'all agree?
18 MR. CARTER: Agree.
19 THE COURT: Okay. Number 81. Mr. Anderson
20 indicated that he knows Mr. Flowers. He grew up around
21 Mr. family -- Mr. Flowers' family, knows all his family
22 and that he could not be fair and impartial.
23 MR. EVANS: Yes, sir.
24 MR. CARTER: Yes, sir.
25 THE COURT: And did Number 82 -- is --
26 MR. EVANS: Yes, sir.
27 THE COURT: Is that first cousin?
28 MR. EVANS: Yes, sir. Her first cousin is
29 charged with murder. And she is also first cousin to the

1 defendant. So that is going to be who is she is talking
2 about in the questionnaire.

3 MRS. STEINER: Number 82.

4 MR. EVANS: And said that that would affect
5 her.

6 MRS. STEINER: That's a man.

7 MR. CARTER: Eighty-two is a man, though, Doug.

8 MR. EVANS: Well, affect them.

9 MR. DEGRUY: Eighty-two.

10 MR. EVANS: Number 82. Turnage.

11 MR. DEGRUY: That's a man.

12 THE COURT: Do y'all --

13 MR. CARTER: Well, my record did show that he
14 said they are first cousins and can't be fair so...

15 THE COURT: So you agree on that one?

16 MR. CARTER: Yes, sir.

17 THE COURT: And then let's see. Number 103.

18 MR. EVANS: Curtis' grandfather and her father
19 were first cousins.

20 THE COURT: Yeah, that's what --

21 MR. EVANS: It would affect her.

22 THE COURT: I was trying to decipher my
23 scribbling here at first. And that is what it was, my
24 notes were saying.

25 And do you all agree on that?

26 MS. STEINER: What, what number are we talking
27 about, Your Honor?

28 THE COURT: One hundred three.

29 MR. CARTER: One hundred three.

1 MRS. STEINER: One hundred three. Sorry.

2 THE COURT: So y'all agree on that?

3 MR. EVANS: Yes.

4 MR. CARTER: Yes. She said she can't be fair.

5 THE COURT: Number 106. Earl Glover said he
6 had a brother that had been murdered in Milwaukee,
7 Wisconsin. And also, he knows some family members, Miss
8 Flowers. Worked with a relative of Mr. Flowers. Well,
9 in fact, he still does, works for a relative of Mr.
10 Flowers that was on the panel, Arthur Flowers, that was
11 released yesterday. And he said he could not be -- that
12 was Number 106.

13 MS. STEINER: Your Honor, my notes say that he
14 kept thinking he thought it would affect and it might.
15 Unlike everybody else who has been stricken so far, he
16 never made a definitive it would affect.

17 THE COURT: Well, I can keep him.

18 MR. EVANS: He specifically said it would
19 affect him.

20 THE COURT: We can clear it up. I will let him
21 remain for right now. This is certainly not going to be
22 the last opportunity.

23 MR. HILL: Just --

24 MR. EVANS: He also said that the fact that his
25 brother was murdered in Milwaukee would also affect him.

26 MS. STEINER: Your right, Your Honor.

27 MR. HILL: He said would probably affect him,
28 and he said that he knew the defendant's whole family.
29 He worked with the defendant's sister Priscilla. And he

1 was working with her every day now and that would affect
2 him. Then when he asked about the brother murdered in
3 Milwaukee, that's when he said that probably would affect
4 him.

5 MS. STEINER: Thank you, Your Honor. I
6 couldn't see probably and might were both written down.

7 THE COURT: Okay. Are y'all acceptable to him
8 going for cause?

9 MR. CARTER: Yes, sir.

10 THE COURT: Okay. Then 129. Jimmie Turner.
11 He knows Mr. Flowers, played ball with him, hung out with
12 him, knows quite a few family members of Mr. Flowers and
13 said because of those factors he could not be fair and
14 impartial.

15 MR. CARTER: Yes, sir.

16 MR. EVANS: Yes, sir.

17 THE COURT: And Ann Newman. Number 40 -- 140.
18 I'm sorry. She knows Mr. Flowers, worked with his mother
19 and aunt at the Winona Manor healthcare facility. And
20 she said those factors would influence her in being fair
21 and impartial.

22 Do y'all agree with that?

23 MR. CARTER: Agree.

24 MR. EVANS: Yes, sir.

25 THE COURT: Stacy Kennedy. Number 151. I
26 believe she said she is a friend of Sherita Flowers, Mr.
27 Flowers' sister. She said that would influence her and
28 affect her in being fair and impartial.

29 MR. CARTER: We agree, Your Honor.

1 MR. EVANS: Yes, sir.

2 THE COURT: And Danny Tompkins. Number 156.
3 No. I'm sorry. That was a note from yesterday, and I
4 had written something down wrong and meant to scratch
5 that note out.

6 And I believe that is it.

7 Do y'all see any others right now?

8 MR. EVANS: That is all we have marked right
9 now.

10 THE COURT: Well, I am going to step down just
11 for a minute.

12 Yes, ma'am.

13 BAILIFF BROWNING: Number 43. He approached me
14 as he was going on break, and he says he has an anxiety
15 disorder. And there are some questions that he needed to
16 speak up on, and he can't do it out with the crowd. And
17 he is just holding it in. And there are some matters
18 that he needs to say.

19 THE COURT: We'll -- at a later time we'll
20 question him individually and -- so that he can tell us
21 if he has got some situations that he needs to bring up.

22 BAILIFF: Number 43.

23 THE COURT: They can be coming back in. I am
24 going to take a brief break.

25 (THE JURORS RETURNED TO THE COURTROOM.)

26 (PROCEEDINGS RESUMED IN OPEN COURT. MR. EVANS, MR. HILL,
27 MR. DEGRUY, MRS. STEINER, MR. CARTER AND THE DEFENDANT WERE
28 PRESENT IN OPEN COURT. PROCEEDINGS WERE AS FOLLOWS:)

29 THE COURT: Court will come back to order.

1 There are a few individuals who will be able to go
2 at this time. So as yours names are called, I'll let you
3 go at this time. Number 4, Willie Forrest. And Number
4 12, Franklin McKinney. And Number 16, Dawn Marie
5 Palmertree. And Number, 25 Jacqueline Lane Sawyer. And
6 27, Frances K. Young Sanders. And Number 44, Brenda
7 Stovall. Forty-six, Julia Ann Bond. Forty-eight, Tonny
8 Seals. Fifty, Dyes Rash. Fifty-four, Dutchie Ann
9 Houston. Fifty-six, Dennis Lee Ratliff. Fifty-seven,
10 James Eugene Colbert. Fifty-eight, Luther Paul Robinson.
11 Fifty-nine, Debra Anderson. Sixty-one, Katherine Knight.
12 Seventy-three, Debra McKinney. Seventy-four, Latonya
13 Campbell. Seventy-six, Henry Campbell. Seventy-seven,
14 Lora Ann McCuiston. Eighty-one, Mario Anderson.
15 Eighty-two, Mario Turnage. One hundred three, Mary
16 Butts. One hundred six, Earl Glover. Number 129, Jimmie
17 Turner. Number 140, Ann Newman. Number 151, Stacy
18 Kennedy.

19 Ladies and gentlemen, the next question I want to
20 ask is how many of you have heard something about this
21 case. I do not want to know what you heard. I just
22 would want to know how you came to hear about it. So if
23 you will please stand if you have heard something about
24 the case.

25 Okay. Miss Laster, you heard about the case.

26 JUROR DEBORAH LASTER: Yes, sir. I was not
27 living here at the time the incident happened. I was
28 working as the managing editor of the Brookhaven
29 newspaper, and --

1 THE COURT: So --

2 JUROR DEBORAH LASTER: -- heard news reports.

3 THE COURT: Just heard from --

4 JUROR DEBORAH LASTER: News accounts.

5 THE COURT: And has that caused you to form an
6 opinion as to the guilt or innocence of Mr. Flowers?

7 JUROR DEBORAH LASTER: No, sir.

8 THE COURT: And can you lay aside anything you
9 might have heard outside the courtroom and base your
10 decision only on the evidence presented here in court?

11 JUROR DEBORAH LASTER: Yes, sir.

12 THE COURT: Okay. Thank you.

13 And Miss Wilson, how did you hear about the case?

14 JUROR MARTHA JANEY-WILSON: I lived in Holmes
15 County, Lexington. Just that there had been a shooting.

16 THE COURT: Just news reports.

17 JUROR MARTHA JANEY-WILSON: Just news reports.
18 That's all.

19 THE COURT: And has anything that you have
20 heard caused you to form an opinion of the guilt or
21 innocence of Mr. Flowers?

22 JUROR MARTHA JANEY-WILSON: No, sir.

23 THE COURT: And can you lay aside anything that
24 you might have heard and base your decision strictly on
25 the evidence here presented in court?

26 JUROR MARTHA JANEY-WILSON: Yes, sir.

27 THE COURT: And Miss Boles, and how did you
28 hear about the case?

29 JUROR RUTHIE BOLES: News. On the news. And

1 also in the community.

2 THE COURT: And can you -- has that, what you
3 heard, caused you to form an opinion as to guilt or
4 innocence of Mr. Flowers?

5 JUROR RUTHIE BOLES: Repeat.

6 THE COURT: Has the news or the talk out and
7 about town, has that caused you to form an opinion
8 concerning the guilt or innocence of Mr. Flowers?

9 JUROR RUTHIE BOLES: No.

10 THE COURT: And can you lay aside anything you
11 might have heard out in the community or through news
12 accounts and base your decision only on the evidence
13 presented here in court?

14 JUROR RUTHIE BOLES: Yes.

15 THE COURT: Okay. Thank you.

16 And Mr. Chambley, you heard about the case.

17 JUROR BENNY CHAMBLEY: Yes, sir.

18 THE COURT: And how was that?

19 JUROR BENNY CHAMBLEY: Newspaper. Read it.

20 THE COURT: And has what you heard caused you
21 to form an opinion as to the guilt or innocence of Mr.
22 Flowers?

23 JUROR BENNY CHAMBLEY: (Shook head.)

24 THE COURT: And can you lay aside anything you
25 might have heard outside the courtroom or in the news and
26 base your decision only on the evidence presented in
27 court?

28 JUROR BENNY CHAMBLEY: Yes, sir.

29 THE COURT: Thank you.

1 And Mr. Brown, have you heard about the case?

2 JUROR GEORGE BROWN: Yes, sir.

3 THE COURT: And how did you hear about it?

4 JUROR GEORGE BROWN: Newspaper and t.v.

5 THE COURT: And has that caused you to form an
6 opinion as to the guilt or innocence of Mr. Flowers?

7 JUROR GEORGE BROWN: No, sir.

8 THE COURT: And can you lay aside anything that
9 you might have heard and base your decision only on the
10 evidence presented here in open court?

11 JUROR GEORGE BROWN: Yes, sir.

12 THE COURT: Okay. Thank you.

13 And Number 8. Miss McClurg, how did you hear about
14 the case?

15 JUROR SHERYL MCCLURG: TV. Radio. Newspaper.

16 THE COURT: And has that caused you to form an
17 opinion as to the guilt or innocence of Mr. Flowers?

18 JUROR SHERYL MCCLURG: No.

19 THE COURT: And can you lay side whatever you
20 might have heard and base your decision strictly on the
21 evidence presented?

22 JUROR SHERYL MCCLURG: Do what now?

23 THE COURT: I am talking too fast. And I do
24 that a lot, and I get accused of that by a lot of friends
25 of mine at times.

26 Can you lay aside anything you might have heard
27 outside the courtroom and base your decision only on the
28 evidence presented here in open court?

29 JUROR SHERYL MCCLURG: Yes, sir.

1 THE COURT: And I know your husband is state
2 trooper. Did he share any knowledge, or has he heard
3 anything about the case?

4 JUROR SHERYL MCCLURG: No, sir.

5 THE COURT: Okay. Thank you.

6 And Miss Carter, I know you're justice court.

7 You can be seated, Miss McClurg.

8 Miss Carter, you are justice court clerk here. I
9 would assume probably through work you would have heard
10 some facts.

11 JUROR KAREN CARTER: I sat in on the last two.

12 THE COURT: Ma'am.

13 JUROR KAREN CARTER: I sat in on the last two.

14 THE COURT: Okay. And would anything that you
15 heard through work or otherwise, would that influence you
16 or be a factor in you being fair and impartial?

17 JUROR KAREN CARTER: Unless I hear something
18 different, I've already formed an opinion.

19 THE COURT: Okay. You have formed an opinion.
20 And could you lay that opinion aside, or have you already
21 got a fixed opinion?

22 JUROR KAREN CARTER: Only if there is something
23 different.

24 THE COURT: Okay. So right now you do have an
25 opinion, and you would not be able to lay that aside.

26 JUROR KAREN CARTER: Not with hearing it in
27 here.

28 THE COURT: Okay.

29 JUROR KAREN CARTER: If it was hearsay on the

1 street, yes. But not in here.

2 THE COURT: Okay. That is fine. You can be
3 seated.

4 And Number 13, Miss Holland. You have heard about
5 the case.

6 JUROR TINA HOLLAND: Yes, sir. From just
7 living and working in Winona and the news.

8 THE COURT: And has that caused you to form an
9 opinion as to the guilt or innocence of Mr. Flowers?

10 JUROR TINA HOLLAND: No, sir.

11 THE COURT: And can you lay aside any
12 information you heard outside the courtroom and base your
13 decision only on the evidence presented here in court?

14 JUROR TINA HOLLAND: Yes, sir.

15 THE COURT: Okay. Thank you.

16 And Mr. Bennett, how did you hear about it?

17 JUROR RONALD BENNETT: News media.

18 THE COURT: And has what you heard caused you
19 to form an opinion as to the guilt or innocence of Mr.
20 Flowers?

21 JUROR RONALD BENNETT: No, sir.

22 THE COURT: And can you lay side any
23 information that you have heard outside the courtroom and
24 base your decision strictly on the evidence presented
25 here in court?

26 JUROR RONALD BENNETT: Yes, sir.

27 THE COURT: And Miss Kenney, how did you hear
28 about the case?

29 JUROR EMMA KENNEY: News and newspaper.

1 THE COURT: And has anything you've heard
2 caused you to form an opinion as to the guilt or
3 innocence of Mr. Flowers?

4 JUROR EMMA KENNEY: No.

5 THE COURT: And can you lay side anything you
6 might have heard outside the courtroom and base your
7 decision only on the evidence presented here in court?

8 JUROR EMMA KENNEY: Yes.

9 THE COURT: Okay. Thank you.

10 And Number 21. Miss McNeer, and how did you hear
11 about it?

12 JUROR SHIRLEY MCNEER: Just from living in the
13 community, and just I remember the day it happened. Just
14 living here. And then, of course, the news media and all
15 the attention that it brought.

16 THE COURT: And has anything that you've heard
17 outside of court caused you to form an opinion as to the
18 guilt or innocence of Mr. Flowers?

19 JUROR SHIRLEY MCNEER: No.

20 THE COURT: And can you lay side any
21 information you gathered outside the courtroom and base
22 your decision only on the evidence presented here in
23 court?

24 JUROR SHIRLEY MCNEER: Yes.

25 THE COURT: Okay. Thank you.

26 And Mr. Gibson, how did you hear about it?

27 JUROR JONATHAN GIBSON: In the newspaper.

28 THE COURT: And has anything that you read or
29 heard caused you to form an opinion as to the guilt or

1 innocence of Mr. Flowers?

2 JUROR JONATHAN GIBSON: No, sir.

3 THE COURT: And can you lay aside anything you
4 might have heard and base your decision only on the
5 evidence presented here in court?

6 JUROR JONATHAN GIBSON: Yes, sir.

7 THE COURT: Okay. Thank you.

8 Number 26. Miss Branch, and how did you hear about
9 it?

10 JUROR LISA BRANCH: Just living in the
11 community and the media, news media.

12 THE COURT: And has anything you might have
13 heard caused you to form an opinion as to the guilt or
14 innocence of Mr. Flowers?

15 JUROR LISA BRANCH: No, sir. I've learned you
16 don't -- can't believe everything you hear so...

17 THE COURT: And will you lay aside anything you
18 heard outside the courtroom and base your decision only
19 on the evidence presented here in court?

20 JUROR LISA BRANCH: Yes, sir, I sure will.

21 THE COURT: Okay. Thank you.

22 And Mr. Johnson, how did you hear about it?

23 JUROR BRADFORD JOHNSON: News media.

24 THE COURT: And has anything you might have
25 heard through the media caused you to form an opinion as
26 to the guilt or innocence of Mr. Flowers?

27 JUROR BRADFORD JOHNSON: No, sir.

28 THE COURT: And can you lay aside anything that
29 you might have heard and base your decision only on the

1 evidence presented here in court?

2 JUROR BRADFORD JOHNSON: Yes, sir.

3 THE COURT: Okay. Thank you.

4 And Mr. Bailey, how did you hear about it?

5 JUROR WAYNE BAILEY: My employer has an office
6 here in the courthouse.

7 THE COURT: And you've talked to -- and who is
8 your employer?

9 JUROR WAYNE BAILEY: Forest.

10 THE COURT: Forest Commission. I'm sorry. And
11 has anything that you might have heard just from being
12 around the courthouse caused you to form an opinion as to
13 the guilt or innocence of Mr. Flowers?

14 JUROR WAYNE BAILEY: Yes, sir.

15 THE COURT: And could you lay that opinion
16 aside or -- and base your decision on the evidence? Or
17 is your opinion fixed to the extent you just do not feel
18 like you could lay it aside?

19 JUROR WAYNE BAILEY: No, sir. I don't think I
20 could change my opinion.

21 THE COURT: Okay. Thank you.

22 And Number 31. Mr. Knox.

23 JUROR ORMAN KNOX: Your Honor, I have a
24 question.

25 THE COURT: Yes, sir.

26 JUROR ORMAN KNOX: Does this pertain to the
27 whole duration, the 12 years?

28 THE COURT: Well, I mean from the -- if anybody
29 has heard anything about the case during any part of the

1 -- you know, from the date it happened up to now.

2 JUROR ORMAN KNOX: All right.

3 THE COURT: And as I say, I don't want to know
4 what you heard, but if you have heard something about it
5 I would be interested in knowing, you know, how you came
6 to hear about it and whether you have got an opinion.

7 JUROR ORMAN KNOX: I heard about it through
8 community and the news, but I wasn't living here. I
9 reside here, but I was in the military at the time.

10 THE COURT: You were, I believe you said,
11 Connecticut and different places.

12 JUROR ORMAN KNOX: Yes, sir.

13 THE COURT: And has anything that you saw
14 through the media or heard about the case caused you to
15 form an opinion as to the guilt or innocence of Mr.
16 Flowers?

17 JUROR ORMAN KNOX: No.

18 THE COURT: And can you lay aside anything you
19 might have read, any information you received outside of
20 the courtroom and base your decision only on the evidence
21 presented here in court?

22 JUROR ORMAN KNOX: Only on the evidence here.

23 THE COURT: Okay. Thank you.

24 And Miss Johnson, and you have heard about the case.

25 JUROR CINDY JOHNSON: From being a resident
26 here. Yes.

27 THE COURT: Was that through the media and
28 through just people talking?

29 JUROR CINDY JOHNSON: It was talking. But I

1 like to hear the facts instead of, you know, rumor.

2 THE COURT: And can you -- has anything you
3 heard caused you to form an opinion as to the guilt or
4 innocence of Mr. Flowers?

5 JUROR CINDY JOHNSON: No, sir.

6 THE COURT: And will you be able to lay
7 anything aside that you heard outside of court and base
8 your decision only on the evidence presented here in
9 court?

10 JUROR CINDY JOHNSON: Yes, sir.

11 THE COURT: Okay. Thank you.

12 And Miss Lancaster, you heard about the case.

13 JUROR ROSEMARY LANCASTER: Through the news.

14 THE COURT: And has anything that you heard in
15 the news caused you to form an opinion as to the guilt or
16 innocence of Mr. Flowers?

17 JUROR ROSEMARY LANCASTER: No, sir.

18 THE COURT: And can you lay aside any
19 information received outside the courtroom and base your
20 decision only on the evidence here in court?

21 JUROR ROSEMARY LANCASTER: Yes, sir.

22 THE COURT: Okay. Thank you.

23 And Mr. Newman, you've heard about it. And how did
24 you hear about it?

25 JUROR MOSES NEWMAN: Television. Newspapers.
26 And through the community.

27 THE COURT: And has that caused you to form an
28 opinion as to the guilt or innocence of Mr. Flowers?

29 JUROR MOSES NEWMAN: No, sir.

1 THE COURT: And can you lay aside any
2 information gathered outside the courtroom and base your
3 decision only on the evidence here in court?

4 JUROR MOSES NEWMAN: Yes, sir.

5 THE COURT: Thank you.

6 And --

7 JUROR MOSES NEWMAN: Sir.

8 THE COURT: Yes, sir.

9 JUROR MOSES NEWMAN: Earlier you asked if we
10 had any relatives that have been convicted.

11 THE COURT: Yes, sir.

12 JUROR MOSES NEWMAN: I had one other cousin,
13 C.W. Forrest.

14 THE COURT: And was that a murder charge?

15 JUROR MOSES NEWMAN: No, sir. It was...

16 MR. EVANS: Aggravated assault.

17 THE COURT: Aggravated assault.

18 JUROR MOSES NEWMAN: Yes.

19 THE COURT: And how are you related to him?

20 JUROR MOSES NEWMAN: He is my first cousin.

21 THE COURT: First cousin. And would that
22 influence you or be a factor in you being a fair and
23 impartial juror?

24 JUROR MOSES NEWMAN: No, sir.

25 THE COURT: Okay. Thank you.

26 And Mr. Bibbs, you heard about the case.

27 JUROR JAMES BIBBS: Through news media.

28 THE COURT: And I know you have got a son that
29 is a law officer. Has he ever talked about the case with

1 you?

2 JUROR JAMES BIBBS: Not really.

3 THE COURT: And has anything that you heard
4 about the case caused you to form an opinion as to the
5 guilt or innocence of Mr. Flowers?

6 JUROR JAMES BIBBS: No.

7 THE COURT: And can you put aside anything you
8 heard outside of court and base your decision strictly on
9 the evidence presented here in court?

10 JUROR JAMES BIBBS: Yes, sir.

11 THE COURT: Okay. Thank you.

12 And Miss Corley, you have heard about the case.

13 JUROR MELODIE CORLEY: Yes, sir.

14 THE COURT: And how is that?

15 JUROR MELODIE CORLEY: Through the news media.
16 And also, I have friends and family that has been to
17 several of the trials.

18 THE COURT: And can anything -- did anything
19 that you have heard caused you to form an opinion as to
20 the guilt or innocence of Mr. Flowers?

21 JUROR MELODIE CORLEY: Yes, sir.

22 THE COURT: And could you lay that aside and
23 base your decision on the evidence presented here in
24 court?

25 JUROR MELODIE CORLEY: Probably not.

26 THE COURT: So your opinion is fixed.

27 JUROR MELODIE CORLEY: Yes, sir.

28 THE COURT: Okay. Thank you.

29 And Mr. Bollinger, how, how did you hear about the

1 case?

2 JUROR DANIEL BOLLINGER: News. And people in
3 general, been around. Talking.

4 THE COURT: Yes, sir. Just talk around the
5 community and through the media.

6 JUROR DANIEL BOLLINGER: Right.

7 THE COURT: And has that caused you to form an
8 opinion as to the guilt or innocence of Mr. Flowers?

9 JUROR DANIEL BOLLINGER: No, sir.

10 THE COURT: And can you lay aside anything that
11 you've heard outside of court and base your decision only
12 on the evidence presented here in court?

13 JUROR DANIEL BOLLINGER: Yes, sir.

14 THE COURT: Okay. Thank you.

15 And Miss Cooley, how did you hear about the case?

16 JUROR ANGELA COOLEY: Media. Family. And
17 friends.

18 THE COURT: And has that caused you to form an
19 opinion as to the guilt or innocence of Mr. Flowers?

20 JUROR ANGELA COOLEY: No, sir.

21 THE COURT: And can you lay aside anything that
22 you might have heard outside of court and base your
23 decision only on the evidence presented here in court?

24 JUROR ANGELA COOLEY: Yes, sir.

25 THE COURT: Okay. Thank you.

26 And Miss Henson, how did you hear about it?

27 JUROR JOYCE HENSON: Through the news media.

28 Through talk within the community from family and
29 friends. And my husband was the county supervisor when

1 it happened and had access to information that was not
2 public knowledge.

3 THE COURT: And has those factors caused you to
4 form an opinion as to the guilt or innocence of Mr.
5 Flowers?

6 JUROR JOYCE HENSON: No, sir.

7 THE COURT: And can you lay aside any
8 information that you've heard outside of court and base
9 your decision only on the evidence presented here in
10 court?

11 JUROR JOYCE HENSON: Yes, sir.

12 THE COURT: Okay. Thank you.

13 And Number 45. Miss Braswell, and how did you hear
14 about it?

15 JUROR BURNADETTE BRASWELL: I worked down the
16 street from Tardy's when it happened and through the news
17 media and friends.

18 THE COURT: And has that caused you to form an
19 opinion as to the guilt or innocence of Mr. Flowers?

20 JUROR BURNADETTE BRASWELL: No, sir.

21 THE COURT: And can you lay aside any
22 information gathered outside of court and base your
23 decision only on the evidence presented here in court?

24 JUROR BURNADETTE BRASWELL: Yes, sir.

25 THE COURT: Okay. Thank you.

26 And Number 52. Miss Rodgers, and how did you hear
27 about it?

28 JUROR MELBA RODGERS: Just the news.

29 THE COURT: And has anything that you have seen

1 through the media caused you to form an opinion as to the
2 guilt or innocence of Mr. Flowers?

3 JUROR MELBA RODGERS: No, sir.

4 THE COURT: And can you lay aside anything that
5 you might have seen or heard and base your decision only
6 on the evidence presented here in court?

7 JUROR MELBA RODGERS: Yes, sir.

8 THE COURT: Okay. Thank you.

9 And Number 60. Miss Blakely, how did you hear about
10 it?

11 JUROR SHIRLEY BLAKELY: News media and friends.

12 THE COURT: And has anything that you might
13 have heard caused you to form an opinion as to the guilt
14 or innocence of Mr. Flowers?

15 JUROR SHIRLEY BLAKELY: No, sir.

16 THE COURT: And can you lay aside anything that
17 you might have heard and base your decision strictly on
18 the evidence presented here in court?

19 JUROR SHIRLEY BLAKELY: Yes, sir.

20 THE COURT: Okay. Thank you.

21 And Mr. Groves, how did you hear about it?

22 JUROR DANNY GROVES: News media and my job.

23 THE COURT: And, and through your job.

24 JUROR DANNY GROVES: (Nodded.)

25 THE COURT: Now, I know you work in Kosciusko
26 as a police officer. Have you ever worked in Montgomery
27 County as law enforcement?

28 JUROR DANNY GROVES: Worked at sheriff's
29 department for a while. And worked for Winona P.D. for

1 about a year and a half.

2 THE COURT: And has that caused you to form an
3 opinion as to the guilt or innocence of Mr. Flowers?

4 JUROR DANNY GROVES: No, sir.

5 THE COURT: And can you lay aside anything you
6 might have heard outside of court and base your decision
7 strictly on the evidence presented here in court?

8 JUROR DANNY GROVES: Yes, sir.

9 THE COURT: Okay. Thank you.

10 And Number 65. Mr. Amason, how did you hear about
11 it?

12 JUROR WALTER AMASON: Friends. Family. News.

13 THE COURT: And has that caused you to form an
14 opinion as to the guilt or innocence of Mr. Flowers?

15 JUROR WALTER AMASON: Yes.

16 THE COURT: And is that opinion fixed to the
17 extent --

18 JUROR WALTER AMASON: It is fixed.

19 THE COURT: -- that you could not set it aside?

20 JUROR WALTER AMASON: Yes, sir.

21 THE COURT: Okay. Thank you.

22 Number 66. Miss McBride, how did you hear about it?

23 JUROR CYNTHIA MCBRIDE: At the time that it
24 took place, I was working in Greenwood. I had not been
25 living in the community of Winona for very long, a few
26 years. And I worked in Greenwood. And my husband -- I
27 remember my husband calling me to tell me that something
28 had taken place.

29 THE COURT: Okay. So you heard it through your

1 husband.

2 JUROR CYNTHIA MCBRIDE: We didn't know any of
3 the people involved, but I just remember feeling really
4 bad about the tragedy.

5 THE COURT: And has that caused you, anything
6 you've heard, to have an opinion as to the guilt or
7 innocence of Mr. Flowers?

8 JUROR CYNTHIA MCBRIDE: No, sir.

9 THE COURT: And can you lay aside anything that
10 you've heard and base your decision only on the evidence
11 presented here in court?

12 JUROR CYNTHIA MCBRIDE: Yes, sir.

13 THE COURT: Okay. Thank you.

14 And Miss Purnell, Number 70, how did you hear about
15 the case?

16 JUROR MARY PURNELL: News media.

17 THE COURT: And did that cause you to form an
18 opinion as to the guilt or innocence of Mr. Flowers?

19 JUROR MARY PURNELL: No, sir.

20 THE COURT: And can you lay aside anything you
21 might have heard through media and base your decision
22 only on the evidence presented here in court?

23 JUROR MARY PURNELL: Yes, sir, I can.

24 THE COURT: Okay. Thank you.

25 And then Miss Haynes, Number 71, how did you hear?

26 JUROR PATRICIA HAYNES: Just the news media.

27 THE COURT: And has anything you heard through
28 the media caused you to form an opinion as to the guilt
29 or innocence of Mr. Flowers?

1 JUROR PATRICIA HAYNES: No, sir.

2 THE COURT: And can you lay aside anything that
3 you might have heard in the media and base your decision
4 only on the evidence presented here in court?

5 JUROR PATRICIA HAYNES: Yes, sir.

6 THE COURT: Okay. Thank you.

7 And Miss Stevens, how did you hear about it?

8 JUROR SHARON STEVENS: Just through friends and
9 the media.

10 THE COURT: And has anything that you heard
11 from friends or seen through the media caused you to form
12 an opinion as to the guilt or innocence of Mr. Flowers?

13 JUROR SHARON STEVENS: No.

14 THE COURT: And can you lay aside anything that
15 you might have seen or heard outside of court and base
16 your decision only on the evidence presented here in
17 court?

18 JUROR SHARON STEVENS: Yes.

19 THE COURT: Okay. Thank you.

20 And Number 75. Miss Everett, how did you hear about
21 the case?

22 JUROR ROSEMARY EVERETTE: Newspaper.

23 THE COURT: And did anything that you've read
24 or that you've heard cause you to form an opinion as to
25 the guilt or innocence of Mr. Flowers?

26 JUROR ROSEMARY EVERETTE: No, sir.

27 THE COURT: And can you lay aside any
28 information gathered outside of court and base your
29 decision only on the evidence presented here in court?

1 JUROR ROSEMARY EVERETTE: Yes.

2 THE COURT: Okay. Thank you.

3 Number 79. Mr. Austin, and how did you hear about
4 it?

5 JUROR JOHN AUSTIN: Just community. Newspaper.
6 Growing up here.

7 THE COURT: And has anything that you've heard
8 or seen caused you to form an opinion --

9 JUROR JOHN AUSTIN: No, sir.

10 THE COURT: -- about the case as to guilt or
11 innocence?

12 JUROR JOHN AUSTIN: No, sir.

13 THE COURT: And can you lay aside any
14 information gathered outside of the courtroom and base
15 your decision only on the evidence presented here in
16 court?

17 JUROR JOHN AUSTIN: Yes, sir.

18 THE COURT: Okay. Thank you.

19 Then Number 80. Miss Butts, how did you hear about
20 it?

21 JUROR JUROR JOYCE BUTTS: Through the news
22 media and the community.

23 THE COURT: And has that caused you to form an
24 opinion as to the guilt or innocence of Mr. Flowers?

25 JUROR JUROR JOYCE BUTTS: No, sir.

26 THE COURT: And can you lay aside any
27 information gathered outside the courtroom and base your
28 decision only on the evidence presented here in court?

29 JUROR JUROR JOYCE BUTTS: Yes, sir.

1 THE COURT: Okay. Thank you.

2 And Number 85. Mr. Carwile, how did you hear about
3 it?

4 JUROR MARK CARWILE: Through the news.

5 THE COURT: And has that caused you to form an
6 opinion as to the guilt or innocence of Mr. Flowers?

7 JUROR MARK CARWILE: (Shook head.)

8 THE COURT: And can you lay aside any
9 information that you gathered outside of court and base
10 your decision only on the evidence presented here in
11 court?

12 JUROR MARK CARWILE: Yes, sir.

13 THE COURT: Thank you.

14 And Mr. Land, how did you hear about it?

15 JUROR COLBY LAND: Family and the news media.
16 Living in the community.

17 THE COURT: And has that caused you to form an
18 opinion as to the guilt or innocence of Mr. Flowers?

19 JUROR COLBY LAND: Yes, sir, it has.

20 THE COURT: And is that so fixed that you could
21 not set it aside?

22 JUROR COLBY LAND: Not sure. Probably not.

23 THE COURT: So you just feel like you could not
24 set aside information and base it on the --

25 JUROR COLBY LAND: Yes, sir. That's right.

26 THE COURT: Okay. So there would be outside
27 factors that you would have already considered.

28 JUROR COLBY LAND: Yes, sir.

29 THE COURT: Okay. Thank you, Mr. Land.

1 Number 91. Miss Vance, and how did you hear about
2 it?

3 JUROR NANCY VANCE: I was in high school when
4 it happened. I just remember two people talking about
5 it.

6 THE COURT: And were you in school with Mr.
7 Stewart, one of the --

8 JUROR NANCY VANCE: Yes, sir.

9 THE COURT: What -- were y'all --

10 JUROR NANCY VANCE: He was a couple of years
11 older than me.

12 THE COURT: Okay. Has anything that you heard
13 caused you to form an opinion as to the guilt or
14 innocence of Mr. Flowers?

15 JUROR NANCY VANCE: No, sir.

16 THE COURT: Can you lay any information aside
17 side that you might have heard outside of court and base
18 your decision only on information presented here in open
19 court?

20 JUROR NANCY VANCE: Yes, sir.

21 THE COURT: Okay. Thank you.

22 And Miss Lane, how did you hear about it.

23 JUROR KATHERINE LANE: News and rumors in the
24 community.

25 THE COURT: Rumors in the community.

26 JUROR KATHERINE LANE: Yes.

27 THE COURT: Has anything that you might have
28 heard outside of court caused you to form an opinion as
29 to the guilt or innocence of Mr. Flowers?

1 JUROR KATHERINE LANE: No.

2 THE COURT: Can you lay aside any information
3 gathered outside of court and base your decision only on
4 information presented here in court?

5 JUROR KATHERINE LANE: Yes.

6 THE COURT: Thank you.

7 And Mr. Matthews, how did you hear about it?

8 JUROR HARLEY MATTHEWS: Just people in town.
9 The news. Newspaper.

10 THE COURT: And has anything that you have
11 heard through the media or seen in the news or talked to
12 people caused you to form an opinion --

13 JUROR HARLEY MATTHEWS: No, sir.

14 THE COURT: -- as to guilt or innocence?

15 JUROR HARLEY MATTHEWS: No, sir.

16 THE COURT: And can you lay aside any
17 information you gathered outside of court and base your
18 decision only on the evidence presented here in court?

19 JUROR HARLEY MATTHEWS: Yes, sir.

20 THE COURT: Thank you.

21 And Miss Wilson, how did you hear about it?

22 JUROR KRISTIN WILSON: I'm not from Winona. I
23 have been a high school teacher here for four years. And
24 when I was summonsed for jury duty, people started
25 mentioning things to me.

26 THE COURT: And has anything that anybody told
27 you caused you to form an opinion as to the guilt or
28 innocence of Mr. Flowers?

29 JUROR KRISTIN WILSON: No, sir.

1 THE COURT: And can you lay any information
2 that anybody might have told you or things you heard
3 outside of court and base your decision only on the
4 evidence presented here in court?

5 JUROR KRISTIN WILSON: Yes, sir.

6 THE COURT: Okay. Thank you.

7 JUROR KRISTIN WILSON: Can I take this
8 opportunity to say that I am a teacher here? I don't
9 know if I have taught any children that are related in
10 any way to any of these people.

11 THE COURT: But it's -- you could possible have
12 taught some --

13 JUROR KRISTIN WILSON: I could possibly have
14 taught some.

15 THE COURT: -- people related to Mr. Flowers,
16 but you don't know that.

17 JUROR KRISTIN WILSON: Right.

18 THE COURT: Or -- and I assume maybe some of
19 the victim's families you might have taught, but you have
20 no knowledge of that.

21 JUROR KRISTIN WILSON: Right. I've only lived
22 here for three years.

23 THE COURT: Okay. And I've lived in my home
24 county all my life, and I'm still living -- learning
25 people who are related that I didn't know were. So I
26 understand where you are coming from, and I appreciate
27 you bringing that to our attention.

28 Miss Hodges, how did you hear about it?

29 JUROR SALLIE HODGES: The news and some of the

1 families.

2 THE COURT: And has anything you have heard
3 through the news or anything at all caused you to form an
4 opinion as --

5 JUROR SALLIE HODGES: Yes, sir.

6 THE COURT: And could that be laid aside or is
7 that a fixed opinion that you feel like could not be set
8 aside too?

9 JUROR SALLIE HODGES: I'm not sure.

10 THE COURT: So you have got doubts about
11 whether you could even set any information aside.

12 JUROR SALLIE HODGES: Yes, sir.

13 THE COURT: Okay. Thank you.

14 Number 97. Mr. Huggins, how did you hear about it?

15 JUROR BURRELL HUGGINS: Through the news.

16 THE COURT: And anything that you've heard
17 caused you to form an opinion as to the guilt or
18 innocence of Mr. Flowers?

19 JUROR BURRELL HUGGINS: No, sir.

20 THE COURT: And can you lay any opinion -- I
21 mean can you lay any information that you gathered
22 outside of court aside and base your decision only on the
23 evidence presented here in court?

24 JUROR BURRELL HUGGINS: I can.

25 THE COURT: Okay. Thank you.

26 And then Miss Harris, how did you hear about it?

27 JUROR CARON HARRIS: Newspaper and media.

28 THE COURT: And has anything that you've seen
29 or heard caused you to form an opinion as to guilt or

1 innocence of Mr. Flowers?

2 JUROR CARON HARRIS: No.

3 THE COURT: And can you lay any information you
4 gathered outside of the courtroom aside and base your
5 decision only on the evidence that is presented here in
6 court?

7 JUROR CARON HARRIS: Yes.

8 THE COURT: Okay. Thank you.

9 And Number 26.

10 JUROR LISA BRANCH: Yes, sir.

11 THE COURT: And...

12 JUROR LISA BRANCH: I've been teaching here for
13 28 years, special education teacher. And I may have had
14 some relatives in the past. I just don't know for sure.
15 I'm just like Miss Wilson on that.

16 THE COURT: So you are like her; if you taught
17 relatives of anybody involved --

18 JUROR LISA BRANCH: My memory is kind of --
19 older I get, I can't remember things either.

20 THE COURT: I know the --

21 JUROR LISA BRANCH: But 28 years is a long
22 time.

23 THE COURT: I appreciate you speaking up on
24 that.

25 Number 99. Miss Corder, how did you hear about it?

26 JUROR DIANNE CORDER: I heard about it through
27 the media. I also have always had an interest in going
28 to court, both in Webster County and here. And I
29 attended the last two trials.

1 THE COURT: Okay. So you have been here before
2 and heard some proof before.

3 JUROR DIANNE CORDER: I heard bits and pieces.
4 I --

5 THE COURT: And has any -- I was going to say
6 has anything that you heard outside of court caused you
7 to form an opinion on the case?

8 JUROR DIANNE CORDER: Not as of right now.

9 THE COURT: So you could -- can you lay aside
10 anything that you might have heard previously and base
11 your decision only on the proof and evidence presented
12 here in court?

13 JUROR DIANNE CORDER: I can.

14 THE COURT: Okay. Thank you.

15 Number 102. Miss Boyle, and how did you hear about
16 it?

17 JUROR MARTHA BOYLE: Newspaper and general
18 talking.

19 THE COURT: And has anything that you have
20 heard outside of court caused you to form an opinion as
21 to guilt or innocence of Mr. Flowers?

22 JUROR MARTHA BOYLE: No.

23 THE COURT: And can you lay aside anything that
24 you might have heard about the case and base your
25 decision only on the evidence presented here in court?

26 JUROR MARTHA BOYLE: I can.

27 THE COURT: Okay. Thank you.

28 And Number 104. Miss Vanderlip, and how did you
29 hear about it?

1 JUROR MARLENE VANDERLIP: Media.

2 THE COURT: And has anything that you heard
3 through the media caused you to form an opinion
4 concerning the innocence or guilt of Mr. Flowers?

5 JUROR MARLENE VANDERLIP: No, sir.

6 THE COURT: And can you lay aside any
7 information that you gathered outside of the courtroom
8 and base your decision only on the evidence presented
9 here in court?

10 JUROR MARLENE VANDERLIP: Yes, sir.

11 THE COURT: Okay. Thank you.

12 And Mr. Hudson, how did you hear about it?

13 JUROR JAMIE HUDSON: From the newspaper, media,
14 word of mouth and all. I worked with a boy that was a
15 witness in the case.

16 THE COURT: And who is that?

17 JUROR JAMIE HUDSON: Ken Pickens.

18 THE COURT: And has anything that you have
19 heard through these sources caused you to form an opinion
20 about the guilt or innocence of Mr. Flowers?

21 JUROR JAMIE HUDSON: No, sir. No, sir.

22 THE COURT: And can you lay aside anything that
23 you might have heard outside of court and base your
24 decision only on the evidence presented here during the
25 trial?

26 JUROR JAMIE HUDSON: Yes, sir.

27 THE COURT: Okay. Thank you.

28 Miss Black, how did you hear about it?

29 JUROR STACY BLACK: News, family and community.

1 THE COURT: News and family and friends.

2 JUROR STACY BLACK: Community.

3 THE COURT: And has anything you might have
4 heard about the case caused you to form an opinion as to
5 the guilt or innocence of Mr. Flowers?

6 JUROR STACY BLACK: Well, it happened, like,
7 the summer before my eighth grade year.

8 THE COURT: So --

9 JUROR STACY BLACK: I was so young. It wasn't
10 really impressed on me.

11 THE COURT: You were pretty young at the time
12 then. I would take it that has not caused you to form an
13 opinion as to guilt or innocence.

14 JUROR STACY BLACK: No.

15 THE COURT: And can you lay aside anything
16 you've heard outside of court and base your decision only
17 on the evidence presented here in court?

18 JUROR STACY BLACK: Yes.

19 THE COURT: Thank you.

20 And Mr. Ward, how did you hear?

21 JUROR DENNIS WARD: Just media.

22 THE COURT: And has anything that you've heard
23 through the media caused you to form an opinion as to the
24 guilt or innocence of Mr. Flowers?

25 JUROR DENNIS WARD: No, sir.

26 THE COURT: And can you lay aside anything that
27 you might have heard and base your decision only on the
28 evidence presented here in court?

29 JUROR DENNIS WARD: Yes, sir.

1 THE COURT: Thank you.

2 And Miss Lancaster, how did you hear about it?

3 JUROR ANGELA LANCASTER: The news media and the
4 internet.

5 THE COURT: And has anything that you've heard
6 about the case caused you to form any opinion concerning
7 the innocence or guilt of Mr. Flowers?

8 JUROR ANGELA LANCASTER: Yes, sir.

9 THE COURT: And would you be able to lay that
10 aside or is your opinion fixed to the extent you just
11 feel like you couldn't lay aside that?

12 JUROR ANGELA LANCASTER: I don't think I could.

13 THE COURT: Okay. Thank you.

14 And Number 110. Miss Legg, how did you hear about
15 it?

16 JUROR CONNIE LEGG: Through the newspaper,
17 family, friends.

18 THE COURT: And has anything that you might
19 have seen or read or heard caused you to form an opinion
20 concerning the guilt or innocence of Mr. Flowers?

21 JUROR CONNIE LEGG: No, sir.

22 THE COURT: And can you lay aside any
23 information gathered outside of court and base your
24 decision strictly on the evidence presented here in
25 court?

26 JUROR CONNIE LEGG: Yes, I can.

27 THE COURT: Thank you.

28 Number 112. Miss Clay, and how did you hear about
29 it?

1 JUROR SHEILA CLAY: Through the media.

2 THE COURT: And has anything that you heard
3 caused you to form an opinion as to the guilt or
4 innocence of Mr. Flowers?

5 JUROR SHEILA CLAY: No, it hasn't.

6 THE COURT: And can you lay aside any
7 information gathered outside of the courtroom and base
8 your decision only on the evidence presented here in
9 court?

10 JUROR SHEILA CLAY: Yes, I can.

11 THE COURT: Okay. Thank you.

12 And are you 113?

13 JUROR LORETTA BURL: Yes, I am.

14 THE COURT: Okay. Miss Burt, how did you hear
15 about the case?

16 JUROR LORETTA BURL: Is that spelled B-u-r-t or
17 B-u-r-l?

18 THE COURT: It is spelled B-u-r-t. Is that
19 wrong?

20 JUROR LORETTA BURL: Yes.

21 THE COURT: Okay. Well, I'm sorry. And how is
22 your --

23 JUROR LORETTA BURL: It's B-u-r-l.

24 THE COURT: B-u-r-l.

25 JUROR LORETTA BURL: Um-hum.

26 THE COURT: Okay. Well, I appreciate that.
27 And how did you hear about the case?

28 JUROR LORETTA BURL: Family and media.

29 THE COURT: And has that caused you to form any

1 opinion concerning the guilt or innocence of Mr. Flowers?

2 JUROR LORETTA BURL: No.

3 THE COURT: And can you lay aside any
4 information that you heard outside of court and base your
5 decision only on the evidence presented here in court?

6 JUROR LORETTA BURL: Yes, I can.

7 THE COURT: Okay. Thank you.

8 And Number 114. Mr. Windham, how did you hear about
9 it?

10 JUROR GARY WINDHAM: News.

11 THE COURT: And has anything that you heard
12 through the media caused you to form an opinion
13 concerning the innocence or guilt of Mr. Flowers?

14 JUROR GARY WINDHAM: No.

15 THE COURT: It has not.

16 JUROR GARY WINDHAM: No, sir.

17 THE COURT: And can you lay side any
18 information that you gathered outside of court and base
19 your decision only on the evidence presented here in
20 court?

21 JUROR GARY WINDHAM: Yes, sir.

22 THE COURT: Okay. Thank you.

23 And Mr. Bennett, how did you hear about it?

24 JUROR JOHN BENNETT: News media.

25 THE COURT: And has anything that you have
26 heard in the media caused you to form an opinion
27 concerning the innocence or guilt of Mr. Flowers?

28 JUROR JOHN BENNETT: No, sir.

29 THE COURT: And can you lay aside any

1 information gathered outside of court and base your
2 decision only on the evidence presented here in court?

3 JUROR JOHN BENNETT: Yes, sir.

4 THE COURT: Okay. Thank you.

5 And Mr. Woods, how did you hear about it?

6 JUROR NICHOLAS WOODS: Newspaper.

7 THE COURT: And has anything that you read or
8 heard caused you to form an opinion concerning the
9 innocence or guilt of Mr. Flowers?

10 JUROR NICHOLAS WOODS: No, sir.

11 THE COURT: And can you lay aside any
12 information that you heard outside of court and base your
13 decision only on the evidence presented here in court?

14 JUROR NICHOLAS WOODS: Yes, sir.

15 THE COURT: Okay. Thank you.

16 Then 119. Mr. Roberts, and how did you hear about
17 it?

18 JUROR BOBBY ROBERTS: I was working at Winona
19 Elevator when it happened, and customers came in telling
20 me about it.

21 THE COURT: And has anything that you've heard
22 caused you to form an opinion concerning the guilt or
23 innocence of Mr. Flowers?

24 JUROR BOBBY ROBERTS: No, sir.

25 THE COURT: And can you lay aside anything that
26 you heard outside of court and base your decision only on
27 the evidence presented here in court?

28 JUROR BOBBY ROBERTS: Yes, sir.

29 THE COURT: Thank you.

1 Then Miss Roberson, you've heard about it.

2 JUROR ETHELENE ROBERSON: Through the news
3 media and friends.

4 THE COURT: And has anything that you have
5 heard or seen caused you to form an opinion concerning
6 the guilt or innocence of Mr. Flowers?

7 JUROR ETHELENE ROBERSON: Yes, sir.

8 THE COURT: And is that a fixed opinion that
9 cannot be set aside?

10 JUROR ETHELENE ROBERSON: No, sir.

11 THE COURT: It is a fixed --

12 JUROR ETHELENE ROBERSON: (Nodded.)

13 THE COURT: And you could not lay that aside.

14 JUROR ETHELENE ROBERSON: No, sir.

15 THE COURT: Okay. Thank you.

16 121. Mr. Welch, and how did you hear about it?

17 JUROR BRUCE WELCH: Through the newspaper and
18 my wife. My wife was a juror last time.

19 THE COURT: And has she discussed the case with
20 you?

21 JUROR BRUCE WELCH: Yes, sir.

22 THE COURT: And has things you have heard, news
23 or different sources, caused you to form an opinion about
24 the guilt or innocence in this case?

25 JUROR BRUCE WELCH: I know what they thought.

26 THE COURT: It doesn't matter what they
27 thought. You know, I'm not concerned about what anybody
28 thinks. I am concerned about what you personally think.

29 JUROR BRUCE WELCH: Yes, sir.

1 THE COURT: So, so could you lay aside any
2 information that you have heard, or do you have an
3 opinion already?

4 JUROR BRUCE WELCH: No, sir. I don't have an
5 opinion.

6 THE COURT: And can you lay aside anything you
7 might have heard about the case and base your decision
8 only on the evidence presented here in court?

9 JUROR BRUCE WELCH: Yes, sir.

10 THE COURT: Okay. Thank you.

11 Mr. Hemphill, how did you hear about it?

12 JUROR BENJAMIN HEMPHILL: News media.

13 THE COURT: And has anything that you've heard
14 caused you to form an opinion as to the innocence or
15 guilt of Mr. Flowers?

16 JUROR BENJAMIN HEMPHILL: No, sir.

17 THE COURT: And can you lay aside anything that
18 you've heard outside of court and base your decision
19 strictly on the evidence presented here in court?

20 JUROR BENJAMIN HEMPHILL: Yes, sir.

21 THE COURT: Okay. Thank you.

22 And Number 123. Miss Box, how did you hear about
23 it?

24 JUROR PATRICIA BOX: From the news and from
25 living in the community.

26 THE COURT: And has anything that you have
27 heard in the community or seen through the media caused
28 you to form any opinion concerning the innocence or guilt
29 of Mr. Flowers?

1 JUROR PATRICIA BOX: No.

2 THE COURT: And can you lay aside any
3 information you've heard outside of court and base your
4 decision only on the evidence presented here in court?

5 JUROR PATRICIA BOX: Yes.

6 THE COURT: Okay. Thank you.

7 Then 125. Miss Jones, and how did you hear about
8 it?

9 JUROR JUDY JONES: The news media and the
10 community.

11 THE COURT: And has anything that you have
12 heard in the community or seen through the media caused
13 you to form any opinion concerning the innocence or guilt
14 of Mr. Flowers?

15 JUROR JUDY JONES: No, sir.

16 THE COURT: And can you lay aside anything that
17 you might have heard and base your decision only on the
18 evidence presented here in court?

19 JUROR JUDY JONES: Yes, sir.

20 THE COURT: Thank you.

21 Then Miss Caffey, and how did you hear about it?

22 JUROR LOUISE CAFFEY: I, I was living in the
23 community at the time and through news media.

24 THE COURT: And has that caused you to form any
25 opinions concerning the innocence or guilt of Mr.
26 Flowers?

27 JUROR LOUISE CAFFEY: No, sir.

28 THE COURT: And can you lay aside any
29 information gathered outside of court and base your

1 decision only on the evidence presented here in court?

2 JUROR LOUISE CAFFEY: Yes, sir.

3 THE COURT: Okay. Thank you.

4 Then 130. Mr. Townsend, how did you hear about it?

5 JUROR STANLEY TOWNSEND: I heard about it
6 through the community and the news.

7 THE COURT: Community and news.

8 JUROR STANLEY TOWNSEND: Yeah.

9 THE COURT: And has that caused you to form any
10 opinion concerning the innocence or guilt of Mr. Flowers?

11 JUROR STANLEY TOWNSEND: No.

12 THE COURT: And can you lay aside any opinion

13 --

14 JUROR STANLEY TOWNSEND: I mean yes. Yes, sir.
15 I mean yes on that.

16 THE COURT: Okay. It has caused you to form an
17 opinion.

18 JUROR STANLEY TOWNSEND: Yeah. It has.

19 THE COURT: And could you lay that opinion
20 aside, or is the opinion fixed to the extent you do not
21 feel like you could?

22 JUROR STANLEY TOWNSEND: No.

23 THE COURT: It is a fixed opinion.

24 JUROR STANLEY TOWNSEND: A fixed opinion.

25 THE COURT: And you could not lay that opinion
26 aside.

27 JUROR STANLEY TOWNSEND: (Shook head.)

28 THE COURT: Okay. Thank you.

29 Then 131. Mr. Hathcock, how did you hear about it?

1 JUROR MICHAEL HATHCOCK: News media and word of
2 mouth.

3 THE COURT: And has anything that you've heard
4 through the media or heard from different individuals
5 caused you to form any opinion about the case?

6 JUROR MICHAEL HATHCOCK: No, sir.

7 THE COURT: And can you lay aside any
8 information gathered outside of court and base your
9 decision only on the evidence presented here in court?

10 JUROR MICHAEL HATHCOCK: Yes, sir.

11 THE COURT: Thank you.

12 Then Miss Thompson, how did you hear about it?

13 JUROR EULANDIA THOMPSON: From the media and
14 the community.

15 THE COURT: And has that caused you to form an
16 opinion concerning the innocence or guilt of Mr. Flowers?

17 JUROR EULANDIA THOMPSON: No, sir, it hasn't.

18 THE COURT: And can you lay aside any
19 information you gathered outside of court and base your
20 decision only on the evidence presented here in court?

21 JUROR EULANDIA THOMPSON: Yes, sir.

22 THE COURT: Okay. Thank you.

23 And Miss Vance, how did you hear about it?

24 JUROR ASHLEY VANCE: I just finished my
25 freshman year with Bobo.

26 THE COURT: Were y'all classmates?

27 JUROR ASHLEY VANCE: He was in my class.

28 THE COURT: And I am sure you heard about it.

29 JUROR ASHLEY VANCE: Just for that -- just for

1 that year. I was only in his class since that year.

2 THE COURT: And did you hear about the case
3 from any other sources?

4 JUROR ASHLEY VANCE: No, sir.

5 THE COURT: And --

6 JUROR ASHLEY VANCE: Other than news. That's
7 it.

8 THE COURT: Right. The news.

9 JUROR ASHLEY VANCE: Um-hum.

10 THE COURT: And has anything that you heard
11 about the case caused you to form any opinion concerning
12 the innocence or guilt of Mr. Flowers?

13 JUROR ASHLEY VANCE: No, sir.

14 THE COURT: And would you lay aside any
15 information that you gathered outside of the courtroom
16 and base your decision only on the evidence that is
17 presented here in court?

18 JUROR ASHLEY VANCE: Yes, sir.

19 THE COURT: Thank you.

20 Excuse me.

21 Number 137. Miss Malone, how did you hear about it?

22 JUROR LINDA MALONE: From friends and from
23 Roxanne Ballard. I did not live here at the time this
24 occurred.

25 THE COURT: And you and Miss Ballard are, are
26 friends.

27 JUROR LINDA MALONE: Right.

28 THE COURT: And has anything that you might
29 have heard about the case caused you to form any opinion

1 concerning the innocence or guilt of Mr. Flowers?

2 JUROR LINDA MALONE: No.

3 THE COURT: And can you lay aside any
4 friendship with Miss Ballard or any knowledge of the case
5 and base your decision strictly on the evidence presented
6 here in court?

7 JUROR LINDA MALONE: Yes.

8 THE COURT: Okay. Thank you.

9 And 139. Miss Dumas, how did you hear about it?

10 JUROR RUBY DUMAS: By the news media and in the
11 community.

12 THE COURT: And has anything that you've heard
13 through the news or out in the community -- the community
14 caused you to form an opinion concerning the innocence or
15 guilt of Mr. Flowers?

16 JUROR RUBY DUMAS: Yes.

17 THE COURT: And could you lay that aside and
18 base your decision on the evidence or is your opinion
19 fixed to the extent you cannot lay it aside?

20 JUROR RUBY DUMAS: I can.

21 THE COURT: You can lay it aside.

22 JUROR RUBY DUMAS: I can.

23 THE COURT: Are you saying can or can't?

24 JUROR RUBY DUMAS: Can.

25 THE COURT: Okay. Thank you. I appreciate
26 that. I was having trouble hearing.

27 Mr. Jackson, have you -- or what have you heard?
28 Not what have you heard. How did you hear about the
29 case?

1 JUROR ARTHUR JACKSON: Just in the news media.

2 THE COURT: And did anything you hear through
3 the media cause you to form an opinion concerning the
4 innocence or guilt of Mr. Flowers?

5 JUROR ARTHUR JACKSON: No, sir.

6 THE COURT: And can you lay aside anything that
7 you heard outside of court and base your decision only on
8 the evidence presented here in court?

9 JUROR ARTHUR JACKSON: Yes, sir.

10 THE COURT: Okay. Thank you.

11 And then Mr. Collins, and how did you hear about it?

12 JUROR GEORGE COLLINS: Media and the community.

13 THE COURT: And has anything that you might
14 have seen through the media or heard out in the community
15 caused you to form any opinion concerning the innocence
16 or guilt of Mr. Flowers?

17 JUROR GEORGE COLLINS: No, sir.

18 THE COURT: And can you lay aside any, any
19 information gathered outside of court and base your
20 decision only on the evidence presented here in court?

21 JUROR GEORGE COLLINS: Yes, sir.

22 THE COURT: Thank you.

23 Number 146. Mr. Caffey, and how did you hear about
24 it?

25 JUROR CONNER CAFFEY: From living here at the
26 time and through the news media.

27 THE COURT: And has anything you've seen or
28 heard caused you to form any opinion concerning the
29 innocence or guilt of Mr. Flowers?

1 JUROR CONNER CAFFEY: No, sir.

2 THE COURT: And can you lay aside any
3 information you gathered outside of court and base your
4 decision only on the evidence presented here in court?

5 JUROR CONNER CAFFEY: Yes, sir.

6 THE COURT: Okay. Thank you.

7 Ball, is that how you --

8 JUROR DEBORAH BALLE: Balle.

9 THE COURT: Say that again.

10 JUROR DEBORAH BALLE: Balle.

11 THE COURT: Okay. Miss Balle, how did you hear
12 about the case?

13 JUROR DEBORAH BALLE: I was living out of state
14 at the time and was informed by family members. And then
15 in the past year, I have heard about it through the news
16 media.

17 THE COURT: And Miss Balle, has anything you've
18 heard about the case caused you to form an opinion
19 concerning the innocence or guilt?

20 JUROR DEBORAH BALLE: No, sir.

21 THE COURT: And can you lay side any
22 information you gathered outside of court and base your
23 decision only on the evidence presented here in court?

24 JUROR DEBORAH BALLE: Yes, sir.

25 THE COURT: Okay. Thank you.

26 Mr. Taylor, how did you come to hear about it?

27 JUROR MICHAEL TAYLOR: Just the media and just
28 living here.

29 THE COURT: And has anything that you might

1 have heard or seen caused you to form any opinion
2 concerning the guilt or innocence of Mr. Flowers?

3 JUROR MICHAEL TAYLOR: Yes, sir, it has.

4 THE COURT: And you have got a fixed opinion.
5 And could that be set aside or...

6 JUROR MICHAEL TAYLOR: No, sir, it couldn't.

7 THE COURT: Okay. Thank you.

8 And Number 152. Mr. Kyle, how did you hear about
9 it?

10 JUROR STEPHEN KYLE: News media and community.

11 THE COURT: And has anything that you might
12 have seen in the news or heard out in community caused
13 you to form any opinion concerning the innocence or guilt
14 of Mr. Flowers?

15 JUROR STEPHEN KYLE: No, sir.

16 THE COURT: Can you lay aside anything you
17 might have seen or heard outside of court and base your
18 decision only on the evidence presented here in court?

19 JUROR STEPHEN KYLE: Yes, sir.

20 THE COURT: Okay. Thank you.

21 And Number 153. Miss Butts, how did you hear about
22 it?

23 JUROR NORA BUTTS: I didn't really hear about
24 the case. I worked in the emergency room when one of the
25 victims was brought in.

26 THE COURT: Was that when Mr. Stewart was
27 brought in?

28 JUROR NORA BUTTS: Correct.

29 THE COURT: And did anything about that cause

1 you to form -- or anything you have seen or heard or any
2 information at all caused you to form any opinion
3 concerning the guilt or innocence of Mr. Flowers?

4 JUROR NORA BUTTS: No. I was just the clerk.
5 So I didn't see or hear anything there.

6 THE COURT: And can you lay aside any
7 information you heard outside of court and base your
8 decision only on the evidence presented here in court?

9 JUROR NORA BUTTS: Yes.

10 THE COURT: Okay. Thank you.

11 And then Mr. Little, how did you hear about it?

12 JUROR BENJAMIN LITTLE: Word of mouth, family,
13 and co-workers.

14 THE COURT: And has anything that you might
15 have heard caused you to form any opinion concerning the
16 guilt or innocence of Mr. Flowers?

17 JUROR BENJAMIN LITTLE: Yes, sir.

18 THE COURT: And is that a fixed opinion, or
19 could you lay that opinion aside?

20 JUROR BENJAMIN LITTLE: No, sir. I've been
21 wrong before.

22 THE COURT: So you can lay that opinion aside.

23 JUROR BENJAMIN LITTLE: Yes, sir.

24 THE COURT: And will you lay that opinion
25 aside?

26 JUROR BENJAMIN LITTLE: Yes, sir.

27 THE COURT: And will you base that decision
28 only on the evidence presented here in court?

29 JUROR BENJAMIN LITTLE: Yes, sir.

1 THE COURT: Okay. Thank you.

2 And Miss Bailey, how did you hear about it?

3 JUROR SUZANNE BAILEY: The media. The
4 community. And of course, with Bobo being a student at
5 school, it was discussed at school.

6 THE COURT: And has anything that you might
7 have heard or seen or any knowledge you have of the case
8 caused you to form any opinion concerning the guilt or
9 innocence of Mr. Flowers?

10 JUROR SUZANNE BAILEY: No, sir.

11 THE COURT: And can you lay aside any
12 information you gathered outside of court and base your
13 decision only on the evidence presented here in court?

14 JUROR SUZANNE BAILEY: Yes, sir.

15 THE COURT: Okay. Thank you.

16 And then 156. Miss Bailey, Angela Bailey.

17 JUROR ANGELA BAILEY: Right.

18 THE COURT: How did you hear about it?

19 JUROR ANGELA BAILEY: I read it in the
20 newspaper, and I work in a beauty shop.

21 THE COURT: And has any information you heard
22 outside of court caused you to form any opinion
23 concerning the innocence or guilt of Mr. Flowers?

24 JUROR ANGELA BAILEY: It has.

25 THE COURT: And would you be able to lay that
26 opinion aside, or is that opinion fixed to the extent you
27 could not lay it aside?

28 JUROR ANGELA BAILEY: No, I couldn't.

29 THE COURT: Ma'am.

1 JUROR ANGELA BAILEY: It's fixed.

2 THE COURT: Okay. Thank you.

3 Mr. Tompkins, Number 157, and how did you hear about
4 it?

5 JUROR DANNY TOMPKINS: News media and
6 community.

7 THE COURT: And Mr. Tompkins, has that caused
8 you to form any opinion concerning the guilt or innocence
9 of Mr. Flowers?

10 JUROR DANNY TOMPKINS: No.

11 THE COURT: And can you lay aside any
12 information you have heard outside of court and base your
13 decision only on the evidence presented here in court?

14 JUROR DANNY TOMPKINS: Yes, sir.

15 THE COURT: Okay. Thank you.

16 And Miss Moore, how did you hear about it?

17 JUROR JEANETTE MOORE: Through the news media.

18 THE COURT: And has anything that you've heard
19 through the media caused you to form any opinion about
20 the case concerning the guilt or innocence of Mr.
21 Flowers?

22 JUROR JEANETTE MOORE: Yes.

23 THE COURT: And is that a fixed opinion or
24 could that opinion be set aside?

25 JUROR JEANETTE MOORE: I'm not sure.

26 THE COURT: So you are doubtful about whether
27 you -- you've got a opinion, and you're doubtful about
28 whether your mind could be changed; is that --

29 JUROR JEANETTE MOORE: I do.

1 THE COURT: Okay. Thank you.

2 JUROR JEANETTE MOORE: You're welcome.

3 THE COURT: And Mr. Williams, and how did you
4 hear about it?

5 JUROR JAMES WILLIAMS: From the news.

6 THE COURT: And did anything you heard through
7 the news cause you to form an opinion as to the guilt or
8 innocence of Mr. Flowers?

9 JUROR JAMES WILLIAMS: No, sir.

10 THE COURT: It has not.

11 JUROR JAMES WILLIAMS: No.

12 THE COURT: And can you lay aside anything that
13 you have heard outside of court and base your decision
14 only on the evidence presented here in court?

15 JUROR JAMES WILLIAMS: Yes, sir.

16 THE COURT: Okay. Thank you.

17 And then Mr. Hudson, how did you hear about the
18 case?

19 JUROR CHARLES HUDSON: Through the news and
20 community.

21 THE COURT: And has that caused you to form any
22 opinion about the guilt or innocence of Mr. Flowers?

23 JUROR CHARLES HUDSON: Yes, it has. Yes.

24 THE COURT: And is that -- could that opinion
25 be set aside, or is it fixed to the extent you could not
26 set that aside?

27 JUROR CHARLES HUDSON: I can't.

28 THE COURT: Okay. Thank you.

29 And Number 165. Mr. Costilow, and how did you hear

1 about it?

2 JUROR BENNY COSTILOW: I heard it through the
3 community, people talking.

4 THE COURT: And could you lay aside anything
5 you've heard outside of the court and base your decision
6 only on the evidence presented here in court? Or is your
7 opinion fixed to the extent --

8 JUROR BENNY COSTILOW: My opinion is fixed, and
9 my mind is made up.

10 THE COURT: Your mind is made up and that could
11 not be set aside.

12 JUROR BENNY COSTILOW: Could not be set aside.

13 THE COURT: Okay. Thank you.

14 Anyone else that has not spoken up?

15 Counsel, if you will approach.

16 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
17 CARTER AND THE DEFENDANT APPROACHED THE BENCH FOR THE
18 FOLLOWING BENCH CONFERENCE HAD OUTSIDE THE HEARING OF THE
19 PROSPECTIVE JURORS.)

20 THE COURT: I was just thinking about going
21 ahead and excusing a few more.

22 Okay. I think we have had several people that have
23 said they've got minds made up and fixed opinions. And
24 unless y'all -- if y'all disagree, I would want you
25 to let me know.

26 I've got Number 9, Carter, who's justice court
27 clerk. And I think she sat in and listened to some of
28 the previous trial. Do y'all agree to that?

29 MR. DEGRUY: (Nodded.)

1 MR. EVANS: Yes, sir.

2 THE COURT: And then -- let's see. Number 29,
3 Bailey. Do y'all agree?

4 MR. EVANS: Yes.

5 THE COURT: Let's see. Thirty-eight, Corley.

6 MR. EVANS: Yes, sir.

7 MR. CARTER: Which one? Thirty-eight?

8 THE COURT: Thirty-eight, Corley. Said he made
9 up his mind and couldn't change it.

10 MR. CARTER: Yes.

11 THE COURT: And let's see. Sixty-five, Amason.
12 Do y'all agree on that?

13 MR. EVANS: Yes, sir.

14 MR. DEGRUY: Yes.

15 THE COURT: Okay. Eighty-nine. Land.

16 MR. EVANS: Yes, sir.

17 MR. DEGRUY: Yes.

18 THE COURT: Ninety-five. Hodges.

19 MR. DEGRUY: Yes.

20 MR. EVANS: We agree.

21 MS. STEINER: She said she wasn't sure.

22 THE COURT: I think she said she said she
23 wasn't sure if she could set her opinion aside.

24 MR. EVANS: She had doubts whether she could
25 set the opinion aside.

26 THE COURT: So y'all agree?

27 MR. DEGRUY: Yes.

28 THE COURT: Let's see. And then Number 109.
29 Lancaster.

1 MR. CARTER: Yes, sir.
2 MR. EVANS: Yes, sir.
3 THE COURT: And 120, Roberson.
4 MR. EVANS: Yes, sir.
5 MR. DEGRUY: Yes, sir.
6 THE COURT: And 130, Townsend.
7 MR. CARTER: One-thirty.
8 THE COURT: Do y'all agree?
9 MR. DEGRUY: Yes.
10 THE COURT: And let's see. One-fifty, Taylor.
11 MR. EVANS: Yes, sir.
12 MR. DEGRUY: Yes.
13 THE COURT: And let's see. 156, Bailey.
14 MR. DEGRUY: Yes.
15 MR. EVANS: Yes, sir.
16 THE COURT: Miss Moore, Number 160.
17 MS. MELANIE CARR: She said she wasn't sure.
18 MR. EVANS: She said she was doubtful she could
19 set it aside.
20 MR. CARTER: One-sixty. Doubtful.
21 MR. DEGRUY: I think she did say doubtful.
22 THE COURT: So y'all agree on her?
23 MR. DEGRUY: Yes, sir.
24 MR. EVANS: Yes, sir.
25 THE COURT: Then 164, Hudson.
26 MR. EVANS: Yes, sir.
27 MR. DEGRUY: Yes, sir.
28 MR. CARTER: Yes.
29 THE COURT: Then 165, Costilow.

1 MR. DEGRUY: Yes, sir.

2 MR. EVANS: Yes, sir.

3 THE COURT: I guess while I have got y'all up
4 here - of course, I am going to -- as far as I am going
5 to ask questions about individual witnesses, I mean, I am
6 not -- I am going to at least question the jury about
7 potential witnesses. And I have gone through and got a
8 list of witnesses from last time. Are there any other
9 potential witnesses that y'all have out?

10 MR. EVANS: There will be at this time since it
11 is a death penalty case, Your Honor.

12 THE COURT: Who might they be because I want to
13 go ahead and --

14 MRS. STEINER: Your Honor, may I step back?

15 THE COURT: Certainly.

16 (MRS. STEINER RETURNED TO COUNSEL TABLE.)

17 MR. EVANS: It's not in the court file.

18 THE COURT: I can move on to another question
19 and then just get that to me so that I can ask the jurors
20 later because I want to go through the list of witnesses.

21 If y'all will, just write them down and give them to
22 me. That will probably be the question I will ask right
23 after lunch.

24 MR. EVANS: All right, sir.

25 (THE BENCH CONFERENCE WAS CONCLUDED.)

26 THE COURT: There are a few more that I will be
27 able to let go at this time. So if your name is called,
28 you are free to go. Karen Carter. Wayne Paul Bailey.
29 Melody Corley. Walter Amason. Colby Land. Sally

1 Hodges. Angela Lancaster. Ethelene Roberson. Stanley
2 Townsend. Michael Taylor. Angela Bailey. Jeanette
3 Moore. Charles Hudson. Benny Costilow.

4 Ladies and gentlemen, the next question that -- this
5 may at first seem a foolish question, but I want you to
6 look around the jury panel that is still here. And I
7 want to know if any of you are related by blood or by
8 marriage to somebody else that is on the panel.

9 And I will explain why I'm asking that. But if you
10 are related to somebody else that is on the panel, if you
11 will, please, stand.

12 Okay. We'll start first with Number 2. And Miss
13 Boles, who are you related to on the panel?

14 JUROR RUTHIE BOLES: Annette Purnell.

15 THE COURT: And what is her number?

16 JUROR RUTHIE BOLES: Number 70.

17 THE COURT: Related to number 70.

18 JUROR RUTHIE BOLES: Number 70.

19 THE COURT: And how are y'all related?

20 JUROR RUTHIE BOLES: Number 43.

21 THE COURT: Okay. Seventy --

22 JUROR RUTHIE BOLES: Go back to Number 70. We
23 are two sister's children.

24 THE COURT: You're -- how are you related?

25 JUROR RUTHIE BOLES: Two sister's children.

26 MR. EVANS: First cousin.

27 THE COURT: First cousin. Okay. Is that
28 right?

29 JUROR RUTHIE BOLES: Right.

1 THE COURT: And then how are you related to
2 Number 43?

3 JUROR RUTHIE BOLES: Number 43. He married my
4 niece.

5 THE COURT: And Miss Boles, if you were on the
6 panel jury with either or both of these relatives --

7 JUROR RUTHIE BOLES: One more.

8 THE COURT: Oh, okay. Like family reunion
9 time.

10 JUROR RUTHIE BOLES: One hundred seven.

11 THE COURT: Okay. And how are you related to
12 Number 107?

13 JUROR RUTHIE BOLES: Her father and I are
14 cousins.

15 THE COURT: And if you were on the panel with
16 any of the relatives, would you feel you had to agree
17 with them on the case, or would you be able to judge the
18 case independently of your relatives?

19 JUROR RUTHIE BOLES: I can judge, judge
20 independently --

21 THE COURT: So you --

22 JUROR RUTHIE BOLES: -- because I have my own
23 mind.

24 THE COURT: Okay. And you wouldn't feel like
25 you had to go along with them just because y'all were
26 related.

27 JUROR RUTHIE BOLES: Right.

28 THE COURT: Okay. Thank you.

29 And Number 43, where are you?

1 JUROR BEN SANDERS: (Stood up.)

2 THE COURT: And are you related to anybody
3 else, other than Miss Boles?

4 JUROR BEN SANDERS: Ann Newman.

5 THE COURT: Okay. And what is her number?

6 JUROR BEN SANDERS: One hundred thirty-five.

7 THE COURT: And how are you kin to her, 135?

8 JUROR BEN SANDERS: We are brother --

9 THE COURT: Huh?

10 JUROR BEN SANDERS: We married brothers and
11 sisters.

12 THE COURT: And if you were on the panel with
13 Miss Boles, would you feel you had to agree with her just
14 because y'all were somehow related, or would you judge it
15 independently of her?

16 JUROR BEN SANDERS: (Shook head.)

17 THE COURT: Would you look at it independently
18 of her?

19 JUROR BEN SANDERS: (Nodded.)

20 THE COURT: Okay. And if you were on with,
21 with Miss Robinson, would you judge it independently of
22 her?

23 JUROR BEN SANDERS: (Shook head.)

24 THE COURT: Would you feel like you had to go
25 along with her?

26 JUROR BEN SANDERS: No.

27 THE COURT: Okay. So you will look at it
28 independently.

29 JUROR BEN SANDERS: (Nodded.)

1 THE COURT: Okay. Thank you. You can be
2 seated.

3 I guess, 111, while you are standing here, we'll --
4 who are you related to?

5 JUROR MELBA RODGERS: (Waved fan with juror
6 number.)

7 THE COURT: Okay. Number 52 and 111.

8 Okay. Miss Laster, how are you and Miss Rodgers
9 related?

10 JUROR DEBORAH LASTER: We are sisters.

11 THE COURT: Oh, okay.

12 JUROR MELBA RODGERS: She is older.

13 THE COURT: Well, Miss Laster, if you and your
14 sister were on the jury panel together, would you be able
15 to judge it independently of her?

16 JUROR DEBORAH LASTER: Certainly.

17 THE COURT: And you wouldn't feel like you had
18 to go along with her just because she was your sister.

19 JUROR DEBORAH LASTER: No, sir.

20 THE COURT: And Miss Rodgers, if you and Miss
21 Laster were on the jury panel together, would you feel
22 you had to go along with her because she is your sister?

23 JUROR MELBA RODGERS: No, sir.

24 THE COURT: And you would judge it
25 independently of her.

26 JUROR MELBA RODGERS: Yes, sir.

27 THE COURT: Thank you.

28 And Miss Boles, did we have somebody else that you
29 were related to?

1 JUROR RUTHIE BOLES: Yes, sir, Your Honor.
2 Number 35.

3 THE COURT: Okay. How are you related to Mr.
4 Newman?

5 JUROR RUTHIE BOLES: Through a previous
6 marriage.

7 THE COURT: And would that affect you or cause
8 you -- or would you be able to judge the case
9 independently of him if you were both on it --

10 JUROR RUTHIE BOLES: Right.

11 THE COURT: -- and serving together?

12 JUROR RUTHIE BOLES: I could.

13 THE COURT: Okay. Thank you.

14 And then Miss McClurg, and who are you related to?

15 JUROR SHERYL MCCLURG: Twenty-six.

16 THE COURT: And that is Miss Branch.

17 JUROR SHERYL MCCLURG: Um-hum.

18 THE COURT: And how are you and Miss Branch
19 related?

20 JUROR SHERYL MCCLURG: We should be about third
21 cousins.

22 JUROR LISA BRANCH: Third.

23 THE COURT: And if you and -- if you and Miss
24 Branch were on the panel together, would you feel like
25 you had to go along with her or could you judge it
26 independently of her?

27 JUROR SHERYL MCCLURG: Go along with her?

28 THE COURT: I mean you wouldn't automatically
29 just agree with her because of being relatives or

1 anything.

2 JUROR SHERYL MCCLURG: Oh, no.

3 THE COURT: So you will judge it independently
4 of her.

5 Miss, Miss Branch, if you and Miss McClurg were on
6 the panel together, would you be able to judge the case
7 independently of her?

8 JUROR LISA BRANCH: Yes, sir, I sure would.

9 THE COURT: Okay. And are you related to
10 anybody else?

11 JUROR LISA BRANCH: No, sir.

12 THE COURT: Okay. Ladies, if you will both be
13 seated then.

14 And Miss Lancaster, who -- I'm sorry.

15 Miss Johnson, who are you related to?

16 JUROR CINDY JOHNSON: Number 60. By marriage.

17 THE COURT: How are --

18 JUROR CINDY JOHNSON: If I'm related to anybody
19 else I don't know, because I'm not from here.

20 THE COURT: Okay. And how are you related to
21 Miss Blakely?

22 JUROR CINDY JOHNSON: She is my husband's aunt.

23 THE COURT: And would that -- if you and Miss
24 Blakely were on the panel together, would you feel like
25 y'all had to go along with each other, or would you judge
26 it independently of her?

27 JUROR CINDY JOHNSON: Yes, sir.

28 THE COURT: And Miss Blakely, if you and Miss
29 Johnson were on the panel together, would you feel --

1 would you be able to judge it independently of her?

2 JUROR SHIRLEY BLAKELY: Yes, sir.

3 THE COURT: And do you have any other kinship
4 on the panel?

5 JUROR SHIRLEY BLAKELY: No.

6 THE COURT: Okay. Thank you.

7 And okay. Number 35. Mr. Newman, and who are you
8 related to?

9 JUROR MOSES NEWMAN: One hundred seven.

10 THE COURT: And how are y'all related?

11 JUROR MOSES NEWMAN: Her grandfather and my
12 grandmother are brother and sister.

13 THE COURT: Her grandfather and your
14 grandmother --

15 JUROR MOSES NEWMAN: Brother and sister.

16 THE COURT: Be about second or third cousin.
17 Somewhere along in there.

18 JUROR MOSES NEWMAN: Yes.

19 THE COURT: And if you were on the panel with
20 Miss Purnell, would you feel you had to agree with her
21 because y'all were related, or would you judge it
22 independently of her?

23 JUROR MOSES NEWMAN: I can judge independently.

24 THE COURT: Okay. And Miss Purnell, if you
25 were on the panel with Mr. Newman, would you be able to
26 judge the case independently of him?

27 JUROR STACY BLACK: I'm Miss Black.

28 THE COURT: Oh, he said 107. I thought he said
29 70. I'm sorry. I thought he said -- I'm sorry. I had

1 written down 70, and I wasn't paying attention to the
2 number that you were holding up.

3 So, so Miss Black, if you and Mr. Newman were on the
4 panel together, would you feel you had to agree with him,
5 or would you be able to judge it independently of him?

6 JUROR STACY BLACK: Independently.

7 THE COURT: And are you related to anybody else
8 on the panel?

9 JUROR STACY BLACK: Number 2.

10 THE COURT: Are you related to anybody else,
11 Mr. Newman?

12 JUROR MOSES NEWMAN: (Indicated.)

13 THE COURT: Miss Boles.

14 JUROR MOSES NEWMAN: Yes.

15 THE COURT: And Mr. Newman and Miss Black, if
16 y'all were on it with Miss Boles, would you feel you had
17 to agree with her just to keep peace in the family, or
18 would y'all judge it independently of each other?

19 JUROR MOSES NEWMAN: Independent.

20 JUROR STACY BLACK: Independently.

21 THE COURT: If y'all will both be seated then.
22 Number 29.

23 (JUROR NUMBER 28, BRADFORD JOHNSON, WAS HOLDING UP THE
24 FAN OF JUROR NUMBER 29.)

25 JUROR BRADFORD JOHNSON: I'm sorry.

26 (JUROR NUMBER 28, BRADFORD JOHNSON, PUT DOWN THE FAN FOR
27 JUROR NUMBER 29 AND PICKED UP HIS FAN.)

28 THE COURT: I knew he had been excused.

29 Okay. Mr. Johnson, who are you related to?

1 JUROR BRADFORD JOHNSON: Number 121.

2 THE COURT: And how are y'all related?

3 JUROR BRUCE WELCH: Grandparents are brothers
4 and sisters. We are about third cousins.

5 THE COURT: Okay. And Mr. Johnson, if you were
6 on the panel with Mr. Welch, would you feel you had to
7 agree with him to go along just to get a verdict, or
8 could you judge it independently of him?

9 JUROR BRADFORD JOHNSON: I could judge it
10 independently.

11 THE COURT: And Mr. Welch, if you and Mr.
12 Johnson were on the panel together, would you judge it
13 independently of him?

14 JUROR BRUCE WELCH: Yes, sir.

15 THE COURT: Okay. And Mr. Welch, do you have
16 any other relative on the panel?

17 JUROR BRUCE WELCH: No, sir.

18 THE COURT: Mr. Johnson, do you?

19 JUROR BRADFORD JOHNSON: No, sir.

20 THE COURT: Okay. Number 45. Miss Braswell,
21 who are you related to?

22 JUROR BURNADETTE BRASWELL: One-fifty-seven.

23 THE COURT: One-sixty-seven.

24 JUROR BURNADETTE BRASWELL: Fifty.
25 One-fifty-seven.

26 THE COURT: One-fifty-seven. Okay. How are
27 y'all related?

28 JUROR BURNADETTE BRASWELL: My grandmother and
29 his daddy were brothers and sisters.

1 THE COURT: That is cousin by some degree.

2 JUROR BURNADETTE BRASWELL: Yes.

3 THE COURT: If you and Mr. Tompkins were on
4 this panel together, would you feel you had to agree with
5 him just because y'all were related or anything like
6 that?

7 JUROR BURNADETTE BRASWELL: No, sir.

8 THE COURT: And Mr. Tompkins, if you were on
9 this panel with Miss Braswell, would you feel you had to
10 agree with her just because y'all were related to each
11 other?

12 JUROR DANNY TOMPKINS: No, sir.

13 THE COURT: Okay. If y'all will both be seated
14 then. Thank you.

15 And Number 70. Miss Purnell, who are you related
16 to?

17 JUROR MARY PURNELL: Number 2.

18 THE COURT: And if you and Miss Boles were on
19 the panel together, would you feel you had to agree with
20 her just because y'all were relatives or anything like
21 that?

22 JUROR MARY PURNELL: No, sir.

23 THE COURT: Okay. And then -- thank you. You
24 can be seated.

25 Number 98.

26 JUROR CARON HARRIS: Dot Turner. She is
27 married to --

28 THE COURT: Okay. What number is her -- 98 and
29 88. Okay.

1 JUROR CARON HARRIS: She is married to one of
2 my first cousins, Jimmy Turner.

3 THE COURT: And if y'all were on the panel
4 together, would you be able to judge the case
5 independently of Miss Turner?

6 JUROR CARON HARRIS: Yes.

7 THE COURT: And Miss Turner, if you and Miss
8 Harris were on the panel together, would you be able to
9 judge that case independently of her?

10 JUROR DOROTHY TURNER: Yes, sir.

11 THE COURT: Okay. Thank you.

12 And Number 80, who are you related to on the panel?

13 JUROR JOYCE BUTTS: Number 139.

14 THE COURT: And how are you and Miss Dumas
15 related?

16 JUROR JOYCE BUTTS: We are distant cousins
17 somewhere.

18 THE COURT: Distant cousins. And if -- Miss
19 Butts, if you and Miss Dumas were on the panel together,
20 would you be able to judge the case independently of her?

21 JUROR JOYCE BUTTS: Yes, sir.

22 THE COURT: And you would not feel like y'all
23 had to agree because of y'all being kin.

24 JUROR JOYCE BUTTS: That's right.

25 THE COURT: Okay. And Miss Dumas, if you and
26 Miss Butts were seated together on the jury panel, would
27 you be able to judge it independently of her?

28 JUROR RUBY DUMAS: Yes, sir.

29 THE COURT: And would you feel you had to go

1 along with her just because y'all were relatives?

2 JUROR RUBY DUMAS: No.

3 THE COURT: Okay. Thank you. If you will both
4 be seated, please.

5 Number 126. Miss Caffey, who are you related to?

6 JUROR LOUISE CAFFEY: Number 146.

7 THE COURT: And how are you and Mr. Caffey
8 related?

9 JUROR LOUISE CAFFEY: He is my son.

10 THE COURT: Okay. I've got a tricky question
11 now.

12 Miss Caffey, if you and your son were both on the
13 panel together, would you feel that you would have to go
14 along with him or view the case the same way because of
15 y'all's relationship?

16 JUROR LOUISE CAFFEY: No, sir.

17 THE COURT: And so you would judge it
18 independently of him.

19 JUROR LOUISE CAFFEY: Yes, sir.

20 THE COURT: And Mr. Caffey, if you and your mom
21 were on the panel together, to keep peace in the family
22 would you feel like you had to go along with her or could
23 you --

24 JUROR CONNER CAFFEY: Why start now, Judge?
25 No, sir.

26 THE COURT: Could you judge it independently?

27 JUROR CONNER CAFFEY: Yes, sir.

28 THE COURT: And you wouldn't have to feel like
29 you had to agree just because y'all were son and mother.

1 JUROR CONNER CAFFEY: No, sir.

2 THE COURT: So you will judge it independently
3 of her.

4 JUROR CONNER CAFFEY: Yes, sir.

5 THE COURT: Thank you.

6 If y'all two will be seated, please.

7 Okay. One-thirty-five. And who are you related to?
8 Or maybe -- are you --

9 JUROR ANN ROBINSON: Number 2 and Number 143 by
10 marriage.

11 THE COURT: Okay. Hold on. Let me write this
12 down.

13 Okay. And Miss Robinson, you are related to Miss
14 Boles and who else?

15 JUROR ANN ROBINSON: Ben Sanders.

16 THE COURT: Can you speak up?

17 JUROR ANN ROBINSON: Ben Sanders.

18 THE COURT: Okay. And what is his number?

19 JUROR ANN ROBINSON: Forty-three.

20 THE COURT: How are you related to Miss Boles?

21 JUROR ANN ROBINSON: I married her nephew.

22 THE COURT: And how are you related to, to
23 Number 43?

24 JUROR ANN ROBINSON: My husband is his
25 brother-in-law.

26 THE COURT: And if you were on the panel with
27 Mr. Sanders or Miss Boles, would you feel like you had to
28 agree with them or judge the case the same way because of
29 being related to them?

1 JUROR ANN ROBINSON: No, I follow my own mind.

2 THE COURT: Own your own mind. Okay.

3 Appreciate that. If you will, be seated, please.

4 Number 136. And Mr. Collins, who is it you are
5 related to?

6 JUROR AUNDRATE COLLINS: One-forty-four.

7 THE COURT: And how are y'all related?

8 JUROR AUNDRATE COLLINS: About second cousin.

9 THE COURT: Okay. Mr. -- is it Aundrate?

10 JUROR AUNDRATE COLLINS: Yes.

11 THE COURT: Mr. Aundrate Collins, if you and
12 Mr. George Collins were on the panel together, would you
13 feel like you had to agree with him just because y'all
14 were related to each other?

15 JUROR AUNDRATE COLLINS: No, sir.

16 THE COURT: And would you judge the case
17 independently of your cousin?

18 JUROR AUNDRATE COLLINS: Yes, sir.

19 THE COURT: Okay. And Mr. George Collins, if
20 you and Mr. Aundrate Collins were on the panel together,
21 would you judge it independently of him?

22 JUROR GEORGE COLLINS: Yes, sir.

23 THE COURT: And would you feel like in any way
24 you had to go along with him because y'all were related?

25 JUROR GEORGE COLLINS: No, sir.

26 THE COURT: Okay. Gentlemen, if y'all will
27 both be seated, please.

28 And 122. Mr. Hemphill, who are you related to?

29 JUROR BENJAMIN HEMPILL: One-thirty-eight.

1 THE COURT: And Mr. Hemphill, how are you and
2 Miss Townsend related?

3 JUROR BENJAMIN HEMPHILL: We are fourth
4 cousins.

5 THE COURT: Fourth cousins. And if you and she
6 were on the panel together, would you feel like you had
7 to go along with her or view the case the same because of
8 y'all being related?

9 JUROR BENJAMIN HEMPHILL: No.

10 THE COURT: Okay. Thank you, Mr. Hemphill.

11 And Miss Townsend, if you and Mr. Hemphill were on
12 the panel together, would you be able to judge the case
13 independently of him?

14 JUROR CHANNA TOWNSEND: (Nodded.)

15 THE COURT: And would you feel like you had to
16 go along with him just because of y'all being relatives?

17 JUROR CHANNA TOWNSEND: No.

18 THE COURT: Okay. Thank you. I'm guessing
19 that 147 and 153.

20 Miss Smith, 147, how are you related to Miss Butts?

21 JUROR JAMITA SMITH: I don't know who I'm
22 related to. I just moved down here three years ago. So
23 I just --

24 THE COURT: So you are still learning relatives
25 then.

26 JUROR JAMITA SMITH: Yes, sir.

27 THE COURT: And are you related to Miss Butts?

28 JUROR JAMITA SMITH: I have no idea.

29 THE COURT: Okay. So you are just saying that,

1 that you may have some relatives that you don't know.

2 JUROR JAMITA SMITH: I don't know.

3 THE COURT: Okay. I assume that wouldn't be a
4 factor then in you being a fair and impartial juror.

5 JUROR JAMITA SMITH: No.

6 THE COURT: Well, Miss Butts, who, who are you
7 related to?

8 JUROR NORA BUTTS: Number 80. Number 138.
9 Number 139.

10 THE COURT: Number, Number 138. Is that what
11 you said?

12 JUROR NORA BUTTS: Number 80.

13 THE COURT: Okay.

14 JUROR NORA BUTTS: Number 138. And Number 139.

15 THE COURT: Okay. Well, how are you and --
16 your Number 80, Miss Butts, related?

17 JUROR NORA BUTTS: I am uncertain as to what
18 degree I am related to any of them.

19 THE COURT: But you are some distant kin of
20 some fashion.

21 JUROR NORA BUTTS: It is at least past the
22 second cousin stage.

23 THE COURT: If you and any of your relatives
24 were on the panel together, would you feel like you had
25 to agree with them or go along with them because of you
26 being relatives of theirs?

27 JUROR NORA BUTTS: No.

28 THE COURT: And can you judge the case
29 independently of any of your relatives?

1 JUROR NORA BUTTS: I can.

2 THE COURT: Okay. Thank you.

3 Ladies and gentlemen, at this time --

4 I'm sorry. Miss McNeer.

5 JUROR SHIRLEY MCNEER: Judge, in light of all
6 these kinship questions, this is something that I did not
7 disclose yesterday that may or may not be important.

8 Mr. Evans married my brother's widow and raised my
9 niece. So I just thought maybe I should disclose that
10 information.

11 MR. CARTER: Thank you.

12 THE COURT: And would that be a factor or
13 influence you in being a fair and impartial juror?

14 JUROR SHIRLEY MCNEER: No. No, it would not.

15 THE COURT: Thank you. I appreciate that Miss
16 McNeer. And you've illustrated a point that I
17 continually remind all of you of. And that is if
18 something later on comes up that triggers your memory
19 about a case -- a previous question, I always want you to
20 speak up and let me know.

21 Ladies and gentlemen, I am going to allow you to
22 recess for an hour for lunch. I will ask you during this
23 recess please do not discuss this case with anyone or
24 among yourselves.

25 If you should be coming back from lunch and see the
26 lawyers out in the hall or any of the parties or
27 witnesses, they can't talk to you. They can't even nod
28 your way. So if they ignore you, they are doing that
29 because they are just following the court rules.

1 So with that, ladies and gentlemen, if you will be
2 back in here --

3 Okay. Number 35.

4 JUROR MOSES NEWMAN: I don't know if this
5 really affects anything, but Mr. Flowers and I were
6 classmates and stuff.

7 THE COURT: Y'all --

8 JUROR MOSES NEWMAN: He got out earlier.

9 THE COURT: You were a classmate of his.

10 JUROR MOSES NEWMAN: Yeah. I graduated in '89.

11 THE COURT: And did you say y'all were some --
12 related to each other in some fashion?

13 JUROR MOSES NEWMAN: His, his, his grandmother
14 and my great grandmother.

15 THE COURT: And would those factors influence
16 you or affect you in any way?

17 JUROR MOSES NEWMAN: No, sir.

18 THE COURT: Okay. Thank you for speaking up,
19 Mr. Newman.

20 Again, ladies and gentlemen, now we will recess
21 until 1:00. If you will be back at that time, we will
22 resume.

23 (COURT RECESSED FOR THE NOON HOUR.)

24 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
25 CARTER AND THE DEFENDANT WERE PRESENT IN OPEN COURT. THE
26 PROSPECTIVE JURORS WERE ALSO PRESENT. PROCEEDINGS WERE AS
27 FOLLOWS:)

28 THE COURT: Gentlemen.

29 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.

1 CARTER AND THE DEFENDANT, APPROACHED THE BENCH FOR THE
2 FOLLOWING BENCH CONFERENCE HAD OUTSIDE THE HEARING OF THE
3 PROSPECTIVE JURORS.)

4 MR. EVANS: These are the ones right now that
5 we expect to use in the sentencing phase. There could be
6 a couple possible witnesses in the case in chief we
7 didn't use last time, but I don't know of anything major.

8 THE COURT: Okay. I know Sam Jones is
9 testifying by previous --

10 MR. EVANS: Transcript.

11 THE COURT: I know the --

12 MR. EVANS: Beneva Henry.

13 MR. DEGRUY: Porky Collins.

14 THE COURT: And who is --

15 MR. EVANS: Miss Beneva Henry.

16 THE COURT: Okay. Stacey Wright by --

17 MRS. STEINER: Stacey Wright is also testifying
18 by prior testimony.

19 THE COURT: Okay. And do y'all have right now
20 any that you know of besides these that were in the prior
21 trial?

22 MR. DEGRUY: The only possible one I think is
23 John Johnson.

24 THE COURT: Okay. I think --

25 MR. EVANS: He is on ours. Should be.

26 MR. DEGRUY: He didn't testify last time.

27 THE COURT: Okay. Well, I'll question them
28 about him.

29 MR. EVANS: We are going to probably put him --

1 and Wayne Miller didn't testify last time.

2 MR. DEGRUY: The defense called him. So he
3 will be on the list.

4 That is the list of potential mitigation witnesses.

5 THE COURT: I don't think -- if we go
6 through -- I think I'm just going to read the list of
7 witnesses. I am going to ask them, you know, if any of
8 them have a relationship with any of these witnesses
9 where because of it would cause them to view the
10 testimony differently or affect their ability to be fair
11 and impartial. Because if I go ask each individual
12 witness, I don't know, we could be here...

13 MR. EVANS: I think it is going to be necessary
14 on some of them. But we can go back over those
15 individual ones. But some of them I know we are going to
16 need to because a lot of them are related.

17 THE COURT: Well, we will see how it goes.
18 (THE BENCH CONFERENCE WAS CONCLUDED.)

19 THE COURT: Ladies and gentlemen, there are a
20 number of potential witnesses in this case, and just
21 because somebody's called -- named as a potential witness
22 today doesn't mean they are going to testify, but they
23 are potential. And so I will ask you about different
24 witnesses.

25 And one witness is a person named Sam Jones, Jr.
26 And if any of you know Sam Jones, Jr., if you will stand
27 at this time. I am going to take down your numbers. So
28 anybody that know Sam Jones, Jr.

29 And you're 31 and 43 and 92.

1 Okay. I, I note for the record Number 31, 43, 92,
2 140, 144, 139 and 155.

3 Have I got all your numbers?

4 And Number 2.

5 I will just ask this question rather than asking
6 each of you, but would the fact -- is there anything
7 about the fact that Mr. Jones is a witness in this case
8 that would affect you in being fair and impartial or
9 cause you to view his testimony differently from anybody
10 else that testifies? Any of you have any situation like
11 that?

12 JUROR RUTHIE BOLES: I have a question.

13 THE COURT: Yes, ma'am.

14 JUROR RUTHIE BOLES: This Sam Jones, is he a
15 older man?

16 THE COURT: He is an older man. And, and the
17 way he is going to testify is --

18 JUROR RUTHIE BOLES: I mean --

19 THE COURT: -- he gave some previous testimony
20 at another time, and his testimony will be read. He will
21 not actually appear live as a witness, but he will -- his
22 prior testimony under oath will be presented to the jury.
23 And but he is, I think, a relatively elderly man.

24 And do you know him after --

25 JUROR RUTHIE BOLES: Not personally.

26 THE COURT: And would the fact that he
27 testifies affect any of you in being fair and impartial
28 jurors? Okay. Y'all can be seated then.

29 And I imagine most of you are going to know the

1 chief of police here in Winona, Johnny Hargrove, or at
2 least you know who he is. And so I'll just ask you as a
3 group if you know Chief Hargrove and if the fact that you
4 know him would cause you to believe his testimony over
5 somebody else that you did not know or if you would give
6 his testimony greater weight or credibility because you
7 might know him and not know somebody else. Would any of
8 you have that situation as to Chief Hargrove?

9 And Dr. Timothy Hayne is the state or was the state
10 pathologist, I think, will be testifying. Do any of you
11 know Dr. Hayne? And I take it by your silence none of
12 you would know him.

13 Also a potential witness is Barry Eskridge. If
14 anybody knows Mr. Eskridge, if you will stand.

15 Okay. As I take -- well 8, 11, 13, 26, 28, 32 -
16 when I call your names, if you will be seated for a
17 second - 32, 64, 72, 79, 99, 85, 105, 110, 117, 126, 146
18 and 157.

19 Now, this is directed toward those that stated you
20 knew him. Would the fact that -- is there anything about
21 the fact that Mr. Eskridge might testify in this case
22 that would affect any of you in being a fair and
23 impartial juror or cause you to view his testimony
24 differently than you did some juror that you did not
25 know?

26 So each of you are assuring me by your silence that
27 his testimony will be considered but that you don't have
28 anything about him testifying that would affect you in
29 being a fair and impartial juror.

1 Okay. Melissa Schoene. S-c-h-o-e-n-e. I think she
2 is -- well, was working for the state crime lab, and I
3 doubt anybody would know her. But I wanted to ask. Do
4 any of you know her?

5 Okay. James Edward Kennedy. Does anybody know
6 James Edward Kennedy?

7 Catherine Snow.

8 Clemmie Fleming. Number 26. Number 99, 126, 155.
9 Those of you that have indicated you know Mr. Fleming
10 would -- if he testifies, would that in any way influence
11 you or affect you in being a fair and impartial juror?

12 MR. CARTER: That is a woman, Your Honor.

13 THE COURT: I'm sorry. Woman. Female. I'm
14 sorry.

15 And so do any of you have a situation where because
16 she might testify that would influence you at all? Okay.
17 Thank you.

18 And next potential witness -- and I suspect most of
19 you know who Bill Thornburg was, because he just retired
20 recently as sheriff, was chief deputy sheriff for many
21 years previous to him being sheriff.

22 So I will just ask if any of you have a situation
23 where you have got some kind of knowledge of chief -- I
24 mean of Sheriff Thornburg or knew him in the past or have
25 any relationship with him where because of that it would
26 affect your ability to be fair and impartial or where you
27 would judge his testimony differently because you might
28 know him and might not know somebody else. I take it by
29 your silence none of you have any type situation like

1 that.

2 How many of you know or do any of you know Jack
3 Matthews? I did not -- I think he works for the crime
4 lab or --

5 MR. EVANS: No, sir. He was highway patrol.
6 Now he works head of security in Greenwood hospital.

7 THE COURT: Okay. And with that, I take it
8 none of you know Mr. Matthews.

9 David Balash.

10 Is that how --

11 MR. EVANS: Balash.

12 THE COURT: Balash. Any of you know David
13 Balash?

14 Joe Edward Andrews. Do any of you know Joe Edward
15 Andrews?

16 How about Elaine Gholston? Any of you know her?
17 Elaine Gholston. G-h-o-l-s-t-o-n.

18 Mary Jeanette Fleming. Any of you know Mary
19 Jeanette Fleming?

20 Sharon Bailey.

21 I'm sorry. Do you know Miss Fleming, Mary Jeanette?

22 JUROR TINA HOLLAND: I work with a Mary
23 Fleming.

24 THE COURT: And what is your number?

25 JUROR TINA HOLLAND: Thirteen.

26 THE COURT: And what kind of work --

27 JUROR TINA HOLLAND: If it's the same one.

28 THE COURT: Where do y'all work?

29 JUROR TINA HOLLAND: Stay Home Health.

1 THE COURT: Counsel, do y'all know if that is
2 the same?

3 MR. EVANS: I think it is.

4 THE COURT: Okay. They think it is. So you
5 work with her.

6 JUROR TINA HOLLAND: Um-hum.

7 THE COURT: And would the fact that you work
8 with her affect you in being a fair and impartial juror
9 in this case?

10 JUROR TINA HOLLAND: No, sir.

11 THE COURT: Would that cause you to look at her
12 testimony differently than somebody you didn't know?

13 JUROR TINA HOLLAND: No, sir.

14 THE COURT: Okay. Thank you.

15 Next potential witness, Sharon Bailey. Do any of
16 you know Sharon Bailey?

17 Okay. How about Patricia Halmon Sullivan? Do any
18 of you know her?

19 Doyle Simpson. Any of you know Mr. Simpson? If you
20 will stand any of you that do.

21 Is your number up, Number 2?

22 JUROR RUTHIE BOLES: No, it's not. I'm sorry.

23 THE COURT: That's all right.

24 Okay. Number 26, 99, 126, 155 and 146.

25 For those of you that know Mr. Simpson, would the
26 fact that he might be a witness or if he were to testify
27 would anything about his testimony influence you or
28 affect you in being a fair and impartial juror? Would
29 any of you view his testimony differently because you

1 know him and might not know somebody else that is a
2 witness in this case?

3 Okay. Thank you. If you will, be seated.

4 Okay. Edward Lee McChristian. Do --

5 Okay. One hundred four. Do you know Mr.
6 McChristian?

7 JUROR MARLENE VANDERLIP: No. I knew Jack
8 Matthews.

9 THE COURT: Oh, okay. You know Mr. Matthews.

10 JUROR MARLENE VANDERLIP: If he is from
11 Greenwood, yes, I do.

12 THE COURT: Okay. Would anything about you
13 knowing Mr. Matthews influence you or affect you in being
14 a fair and impartial juror?

15 JUROR MARLENE VANDERLIP: No.

16 THE COURT: Okay. Thank you.

17 And Edward Lee McChristian. Do any of you know Mr.
18 McChristian?

19 And Number 26. You know him.

20 JUROR LISA BRANCH: (Nodded.)

21 THE COURT: And would the fact that you know
22 him influence you or affect you in any way in being a
23 fair and impartial juror in this case?

24 JUROR LISA BRANCH: No, sir. No, sir.

25 THE COURT: Okay. Thank you.

26 And then this gentleman is now deceased. He will be
27 -- his testimony that was given under oath at a previous
28 proceeding will be offered into evidence, and it will be
29 read. But the guy's name was Charles Collins, and he

1 went by the nickname of Porky.

2 And did -- do any of you know who I'm talking about
3 there?

4 Okay. Number 13, 15 - y'all be seated when I call
5 your names - 26, 28, 52, 60, 64, 71, 85, 97, 99, 105,
6 126, 155 and 146.

7 For those of you that knew Mr. Porky, Mr. Porky
8 Collins during his lifetime, would the fact that you know
9 him affect you or be any influence at all on you in being
10 a fair and impartial juror in this case? And can you
11 just consider his testimony along with anybody else?

12 And I take it by your silence you can.

13 Next potential witness would be Beneva Henry. And I
14 think Miss Henry is now in advanced age and will have her
15 testimony presented by prior testimony where she was
16 under oath at a prior time. And she will not be actually
17 a live witness here. How many of you know Miss Henry, or
18 do any of you know her?

19 Number 31. Number 26. Number 92, 139 and 144.

20 Those of you that knew Miss Henry or know Miss
21 Henry, is there anything about knowing Miss Henry that
22 would influence you or affect you or in any way have some
23 power over you and influence you in being a fair and
24 impartial juror? Okay. I take it by your silence that
25 it would not be any influence or affect you at all.

26 Next potential witness is Roxanne Ballard. If you
27 know Miss Ballard, if you will, please stand. Okay.

28 Number 8, 13, 26, 28, 31, 32 - y'all can be seated as I
29 call your name - 36-A, 66, 79, 60, 85, 137, 91, 110, 155,

1 131, 99, 121, 123, 124, 105, 125, 126 and 146.

2 Of course, I think from what we gathered yesterday
3 during voir dire, that she is the daughter of Miss Tardy,
4 who was one of the murder victims in this case. And I
5 understand Miss Ballard will possibly be testifying as a
6 witness in this case.

7 Is there anything about the fact that -- those of
8 you that know her, is there anything about the fact that
9 she might be a witness in this case that it would
10 influence you or affect you in any way in being a fair
11 and impartial juror in this case?

12 For those of you that do know her, would you just
13 consider her testimony just as you would anybody else
14 that testifies in the case and not be influenced by that?

15 Okay. Thank you.

16 John Johnson is a potential witness. I know Mr.
17 Johnson was chief of police here in Winona and has worked
18 for the district attorney's office for a number of years
19 now.

20 If you know Mr. Johnson, if you will, stand. Okay.
21 Number 8, 11, 13, 15, 21, 26, 28, 31, 33, 36-A, 60, 64,
22 71, 72, 85, 99, 105, 110, 93, 117, 119, 121, 123, 126,
23 131, 134, 152 and 157.

24 Of those of you that have indicated that you know
25 Mr. Johnson, if Mr. Johnson was a witness in this case,
26 would the fact that -- the mere fact that you know him
27 influence you or affect you in any way in being a fair
28 and impartial juror in this case?

29 And I take it by your silence that it would not.

1 Mike McSparrin. M-c-S-p-a-r-r-i-n. Do any of you
2 know Mr. McSparrin?

3 I take it by your silence that you do not.

4 Horace Wayne Miller. Do any of you know Mr. Miller?
5 Okay. Number 15, 117 and 146. Of those -- and 104 and
6 126.

7 Those of you that know Mr. Miller, know who he is,
8 is there anything about the fact that you know him that
9 would influence you or affect you in being a fair and
10 impartial juror in this case where he would testify as a
11 witness?

12 I take it by your silence, it would not.

13 Essa Ruth Campbell. Do any of you know Miss
14 Campbell? Essa Ruth Campbell.

15 I take it by your silence none of you would know --

16 JUROR DIANNE CORDER: Is that the same as Essa?

17 THE COURT: It's E-s-s-a.

18 MR. EVANS: Essa Ruth.

19 JUROR DIANNE CORDER: I knew an Essa Ruth.

20 THE COURT: And would that influence you or
21 affect you in any way if she were a witness in this case?

22 JUROR DIANNE CORDER: No, sir.

23 THE COURT: Okay. Thank you.

24 Then Connie Moore. Do any of you know Connie Moore?

25 I take it by your silence you do not.

26 Mary Ella Flemming. Do any of you know Mary Ella
27 Fleming? Okay. Number 99 and 126. And Number 26 and
28 92. Is there anything about the fact that you would know
29 Mary Ella Fleming that would affect you or influence you

1 or cause you to believe her testimony over somebody you
2 did not know?

3 I take it by your silence that would not be the
4 situation.

5 Latarsha Blissett. Do any of you know Miss
6 Blissett? Okay. That's Number 99, 126 and 155. Those
7 of you that had indicated you do know her, is there
8 anything about the fact that you know her that would
9 influence you or affect you in any way in being a fair
10 and impartial juror?

11 And I take it that it would not.

12 Another potential witness is Harvey Christopher
13 Freelon. I believe he is an attorney. I think he is
14 originally from Grenada, but maybe is down in the Jackson
15 area now. Do any of you know Mr. Freelon?

16 Okay. Jerry Dale Bridges is a constable here in the
17 county. I would assume that most everybody would know
18 Mr. Bridges. Is there anything about the fact that -- if
19 you do know Mr. Bridges, is there anything about the fact
20 that you know him that would influence you or affect you
21 in any way in being a fair and impartial juror in this
22 case?

23 And I take it by your silence that that would not be
24 the case.

25 Does anybody know Randy Keenum? Randy Keenum.
26 Okay. Number 8, 11, 13, 26, 28, 36, 41, 80, 85, 99, 126
27 and 157. For those of you that have indicated that you
28 know Mr. Keenum, is there anything about the fact that
29 you know Mr. Keenum that would influence you or affect

1 you in any way in being a fair and impartial juror in
2 this case?

3 And I take it by your silence that none of you have
4 that situation.

5 Randy Stewart is also a potential witness in this
6 case. Do any of you know Mr. Stewart? If you do, if you
7 will, please stand. That will be Number 11, 26, 71, 110,
8 121, 125, 126, 155.

9 Those that know Mr. Stewart, if he were to testify
10 in this case, would the fact that he testifies influence
11 you or affect your ability to be fair and impartial or
12 cause you to view his testimony differently than that of
13 somebody you did not know?

14 Willie Golden. Do any of you know Willie Golden? I
15 take it by your -- okay. Number 92 knows Mr. Golden.
16 Number 70 does. Ladies, does the fact you know Mr.
17 Golden, would that influence you or affect you in any way
18 in being a fair and impartial juror?

19 I take it by your silence it would not.

20 Okay. Cathy Permenter. Do any of you know Miss
21 Permenter?

22 Brian Rigby. Okay. Number 11, 13, 15, 21.

23 What is your number?

24 JUROR JONATHAN GIBSON: Twenty-two.

25 THE COURT: Twenty-two. Seven. Twenty-six.
26 Twenty-eight. Number 5. Number 33, 36-A, 60, 79, 99,
27 110, 121, 126, 131, 134, 146, 155 and 157.

28 Those of you that indicated that you know Mr. Rigby,
29 is there anything about you knowing who he is that would

1 influence you or affect you in any way in being a fair
2 and impartial juror in this case?

3 I take it by your silence that none of you would
4 have that situation.

5 Also, Benny Rigby. And I suspect several of you
6 know him, because I know several of you mentioned his
7 name yesterday. If you know Mr. Rigby, if you would,
8 please stand. Okay. Number 2, 5, 8, 11, 13, 21, 26, 28,
9 33, 36-A, 45, 60, 66, 71, 79, 85, 91, 93, 97, 99, 105,
10 110, 117, 121, 126, 131, 134, 137, 157 and 146. And
11 Number 15. I'm sorry.

12 Those of you know that Benny Rigby, if he testified
13 in this case, would the fact that you know him and know
14 who he is, would that influence you or affect you in
15 being a fair and impartial juror or in any way cause you
16 to listen and believe his testimony over that of someone
17 that you did not know?

18 I take it by your silence none of you would have
19 that type situation.

20 Also, Billy Glover is a potential witness. Do any
21 of you know Billy Glover?

22 How about Sherita Baskin? Any of you know Miss
23 Baskin?

24 Priscilla Flowers. Okay. Number 2, Number 26, 92,
25 35, 99, 126, 107 and 155.

26 Those of you that know Miss Flowers, are there any
27 of you that know her who the mere fact that you would
28 know her would influence you or affect you in being fair
29 and impartial or in any way would cause you to believe

1 her testimony over somebody that you did not know?

2 I take it by your silence none of you would have
3 that situation.

4 Herman Bailey.

5 Number 40. And if Mr. Bailey testified, would that
6 influence you or affect you in being a fair and impartial
7 juror?

8 JUROR ANGELA COOLEY: No, sir.

9 THE COURT: Okay. Thank you.

10 Jerry Yates. Okay. Number 8, 11, 13, 15, 21, 26,
11 28, 36-A, 60, 64, 71, 93, 99, 105, 117, 121, 126, 155,
12 157 and 146.

13 Those of you that have indicated that you know Mr.
14 Yates, if you -- if he were to testify, would the mere
15 fact that you know him, would that influence you or
16 affect you in any way in being a fair and impartial juror
17 in this case?

18 And I take it by your silence that would not be the
19 situation.

20 Also, Archie Flowers, Lola Flowers and Archie
21 Flowers, Jr. If you know any one of those three, if you
22 will, please stand at this time.

23 And Number 2, which one of those do you know?

24 JUROR RUTHIE BOLES: All of them.

25 THE COURT: All three of them.

26 Okay. You can be seated.

27 And Number 35. Which one of them do you know? All
28 three?

29 JUROR MOSES NEWMAN: (Nodded.)

1 THE COURT: And let's see. Number 36. Which
2 one of them do you know?

3 JUROR JAMES BIBBS: All of them.

4 THE COURT: All of them.

5 Number 71.

6 PATRICIA HAYNES: Archie.

7 THE COURT: Archie, Sr.

8 PATRICIA HAYNES: Senior.

9 THE COURT: Okay. And 80. Number 80.

10 JUROR JOYCE BUTTS: Archie and Lola.

11 THE COURT: Archie, Sr.

12 JUROR JOYCE BUTTS: Yes, sir.

13 THE COURT: Okay. And Number 85.

14 JUROR MARK CARWILE: I know Archie, Jr. I know
15 his dad when I see him.

16 THE COURT: Okay. Eighty-eight.

17 JUROR DOROTHY TURNER: I know Mr. Archie, Sr.

18 THE COURT: Ma'am.

19 JUROR DOROTHY TURNER: I know Mr. Archie also.

20 THE COURT: Archie, Sr.

21 JUROR DOROTHY TURNER: Senior. Yes, sir.

22 THE COURT: Okay. And do you know his wife or
23 Archie, Jr.?

24 JUROR DOROTHY TURNER: I, I know of his wife.
25 I don't know her personally.

26 THE COURT: Okay. And Number 92.

27 JUROR KATHERINE LANE: Know all of them.

28 THE COURT: Okay. Ninety-eight.

29 JUROR CARON HARRIS: All three of them.

1 THE COURT: Okay. And Number 99.
2 JUROR DIANNE CORDER: I know all three of them.
3 THE COURT: Okay. Number 107.
4 JUROR STACY BLACK: All three.
5 THE COURT: One-ten.
6 JUROR CONNIE LEGG: Archie, Jr.
7 THE COURT: Okay. One-thirteen.
8 JUROR LORETTA BURT: Archie, Sr.
9 THE COURT: One-twenty-one.
10 JUROR BRUCE WELCH: Archie, Sr.
11 THE COURT: One-twenty-six.
12 JUROR LOUISE CAFFEY: All three.
13 THE COURT: One-thirty-three.
14 JUROR EULANDIA THOMPSON: Archie, Sr.
15 THE COURT: Okay. One-thirty-eight.
16 JUROR CHANNA TOWNSEND: Archie, Jr.
17 THE COURT: One-thirty-nine.
18 JUROR RUBY DUMAS: All three.
19 THE COURT: Number 144.
20 JUROR GEORGE COLLINS: All three.
21 THE COURT: Number 161.
22 JUROR JAMES WILLIAMS: All three.
23 THE COURT: And Number 146.
24 JUROR CONNER CAFFEY: Lola and Archie, Sr.
25 THE COURT: Okay. Those that have indicated
26 that you knew one or more of these individuals, is there
27 anything about the fact that you would know them that
28 would automatically cause you to believe their testimony
29 over somebody else that you didn't know or that would

1 cause you in any way not to be a fair and impartial juror
2 because of that?

3 The next potential witness would be Arthur Smith,
4 who I believe worked correctional facility. He did work
5 for Mississippi Department of Corrections previous to
6 that. Do any of you know Arthur Smith?

7 How about Henry Stanberry?

8 How about Nelson Forrest? Okay. Number 2, 15, 21,
9 26, 28, 31, 35, 36, 80, 92, 98, 99, 88, 110, 107, 126,
10 133, 155, 159, 138, 144 and 161.

11 Those of you that have indicated that you knew Mr.
12 Forrest, is there anything about Mr. Forrest's testimony
13 that would affect your ability to be a fair and impartial
14 juror?

15 One hundred seven, you know him too.

16 JUROR STACY BLACK: I'm his daughter.

17 THE COURT: Oh, okay. You are his daughter.
18 Okay. If your father were to testify in this case, would
19 that influence you or affect you in some way in being a
20 fair and impartial juror?

21 JUROR STACY BLACK: No.

22 THE COURT: And would you believe you needed to
23 listen to your father's testimony and go along with it
24 just strictly because that was your father?

25 JUROR STACY BLACK: No.

26 THE COURT: Okay. Thank you.

27 Miss Cooley.

28 JUROR ANGELA COOLEY: I have a question
29 concerning Arthur Smith. Is he formerly of Carrollton?

1 THE COURT: I'm not sure where he is. I know
2 he lived over that way. You know, he, he worked at --

3 JUROR ANGELA COOLEY: I know him.

4 THE COURT: -- Leflore County for the
5 Department of Corrections for several years, worked the
6 restitution center over there.

7 JUROR ANGELA COOLEY: I lost track of him. We
8 were in elementary.

9 THE COURT: Okay. Would the fact that you know
10 who he is, would that affect you or influence you in
11 being a fair juror in this case?

12 JUROR ANGELA COOLEY: No, sir.

13 THE COURT: Mr. Tompkins.

14 JUROR DANNY TOMPKINS: I met Arthur Smith one
15 time over there.

16 THE COURT: And would the fact that you know
17 him influence you at all?

18 JUROR DANNY TOMPKINS: No, sir.

19 THE COURT: Okay. Thank you.

20 And anyone else that knows Mr. Forrest, Nelson
21 Forrest? Okay.

22 Tarron Daniel. T-a-r-r-o-n Daniels. Any of you
23 know Mr. Daniels?

24 How about Kittery Jones?

25 Is that Jones or --

26 JUROR LOUISE CAFFEY: Daniels.

27 THE COURT: Okay. Number 126, 155.
28 Daniels.

29 JUROR SUZANNE BAILEY: (Nodded.)

1 THE COURT: And 1 -- I mean -- I'm sorry.
2 Number 45.

3 Those of you that have indicated that you know Mr.
4 Daniels, would that influence you or affect you in any
5 way in being a fair and impartial juror?

6 Okay. Kittery Jones. Do any of you -- okay.
7 Number 126, 155, 99, 107, 92, 45 and again, 126.

8 Those of you that know Kittery Jones, would the mere
9 fact that you know Kittery Jones affect you or influence
10 you in some way in being a fair and impartial juror or
11 would you tend to believe that testimony over somebody's
12 you did not know?

13 Okay. James Aiken. Any of you know James Aiken?

14 How about Jan Bailey? Any of you know Dr. Jan
15 Bailey? Okay. Number 5, 8, 11, 13, 111, 21, 22 - I got
16 your number, 111 - 26, 28, 32, 33, 36-A, 41, 45, 52, 60,
17 66, 71, 72, 79, 85, 93, 94, 97, 91, 99, 104, 110, 157,
18 155, 131, 105, 121, 123, 125, 126, 146, 152.

19 Those of you that know Dr. Bailey, is there anything
20 about the fact that you know Dr. Bailey that would
21 influence you or affect your ability to be fair and
22 impartial because you just automatically go along with
23 that testimony because you know Dr. Bailey?

24 And I take it by your silence none of you have that
25 situation.

26 Danny Fielder. Do any of you know Danny Fielder?
27 Number 8, 11, 13, 15, 21, 26, 41, 45, 60, 85, 66, 72,
28 117, 137, 91, 110, 131, 155, 157, 99, 105, 121, 125 and
29 126 and 152 and 146.

1 Those of you that know Mr. Fielder, is there
2 anything about the fact that you know him that would
3 influence you or affect you in any way in being a fair
4 and impartial juror in this case?

5 I take it by your silence that that would not have
6 any affect or influence.

7 Any of you know Robert Merrit? Robert Merrit.
8 Okay. Twenty-six. Twenty-eight. Ninety-nine.
9 Thirty-six-A. One-twenty-six. One-forty-six. And 98.

10 Would counsel approach just for a second?

11 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
12 CARTER AND THE DEFENDANT APPROACHED THE BENCH FOR THE
13 FOLLOWING BENCH CONFERENCE HAD OUTSIDE THE HEARING OF THE
14 PROSPECTIVE JURORS.)

15 THE COURT: The prosecutor mentioned yesterday
16 Juror 17 sleeping. I will note for the record that
17 Number 17 does have her eyes closed and looks like she is
18 nodding off to me. That was something that was brought
19 up yesterday. I said I would keep a close watch on it.

20 MRS. STEINER: Your Honor, I can't see all the
21 way back, but in the front row, Juror 10 appears to be
22 reading rather than attending to the Court's questions
23 about witnesses.

24 THE COURT: I will note that too.

25 Thank you.

26 (THE BENCH CONFERENCE WAS CONCLUDED.)

27 THE COURT: Kenyata Knight. Does anybody know
28 Kenyata Knight?

29 Jimmy Forrest. Jimmy Forrest. Okay. Number 2, 35,

1 36, 80, 92, 98, 122, 107, 133, 159 and 144.

2 Is there anything about those that know Mr. Forrest
3 that would influence you or affect you in any way in
4 being a fair and impartial juror?

5 I take it by your silence that would not be the
6 situation.

7 JUROR MOSES NEWMAN: He is my uncle.

8 THE COURT: Okay. What is your number again?

9 JUROR MOSES NEWMAN: (Held up number.)

10 THE COURT: Number 35. And Mr. Newman, if Mr.
11 Forrest were a witness in this case, would you feel you
12 had to go along with his testimony or give it greater
13 weight or credibility than somebody that you did not
14 know?

15 JUROR MOSES NEWMAN: He is my uncle. If I
16 didn't know, you know, somebody. He is...

17 THE COURT: So you feel like you would probably
18 tend to believe his testimony over somebody else because
19 of that relationship.

20 JUROR MOSES NEWMAN: Yes, sir.

21 THE COURT: Okay. Thank you.

22 Number 71, you know --

23 JUROR PATRICIA HAYNES: I know but I should
24 have told you awhile ago. Jerry Yates is my
25 ex-brother-in-law, but I have not been married to his
26 brother in 30 years.

27 THE COURT: Okay. And would that influence you
28 or affect you at all?

29 JUROR PATRICIA HAYNES: Absolutely not.

1 THE COURT: And I believe I neglected to bring
2 Robert Merritt. Robert Merritt. When I asked questions
3 a number of you spoke up knowing him, but I neglected to
4 ask the question a minute ago, because I moved on to
5 something else.

6 Do those of you that know Robert Merritt, would the
7 fact that you know him influence you or affect you in any
8 way in being a fair and impartial juror in this case?

9 I take it, it would not.

10 Okay. Captain Larry Smith, Winona Fire Department.
11 How many of you would know Captain Smith?

12 Okay. Number 15.

13 JUROR NANCY FLY: I have a question.

14 THE COURT: Okay.

15 JUROR NANCY FLY: Do they call him Smitty? I
16 might know him.

17 THE COURT: Okay. Number 15. And Number 28,
18 64, 99, 104, 126, 107, 155, 98 and 144. Of those of you
19 that know Mr. Smith, is there any one of you that the
20 fact that you know him that would influence you or affect
21 you in any way in being a fair and impartial juror in
22 this case?

23 I take it by your silence that that would not be a
24 factor in you being a fair juror.

25 Alphonses Alexander. Do any of you know Alphonses
26 Alexander? Number 2.

27 JUROR RUTHIE BOLES: Your Honor, I have a
28 question about this Kenyata Knight. Was she a Small
29 before marriage or something?

1 THE COURT: I'm not sure. Do you know?

2 MRS. STEINER: Yes, Your Honor.

3 THE COURT: Okay. That was a maiden name then.
4 Small.

5 JUROR RUTHIE BOLES: Okay. That is my niece.

6 THE COURT: And would the fact -- if she was a
7 witness, would that influence you or be a factor in you
8 being a fair juror in this case?

9 JUROR RUTHIE BOLES: It wouldn't have no
10 effect.

11 THE COURT: Okay. Thank you.

12 And back on to Alexander. Number 26. Number 99,
13 126, 155 and 94. Those of you that indicated you know
14 Alphonses Alexander, does any one of you that -- the fact
15 that you know who that is that would influence you or be
16 a factor at all in being a fair and impartial juror in
17 this case?

18 And I take it by your silence that, that would not
19 be the situation.

20 Crystal Gholston. Any of you know Crystal Gholston?
21 I take it by your silence you do not.

22 Lilly Hamilton. Any of you know Lilly Hamilton?
23 Number 26, 99, 123, 125, 126, 155 and 146.

24 Is there anything about the fact that you would know
25 Lilly Hamilton that would in any way influence you or be
26 a factor in you being a fair and impartial juror?

27 Okay. Elouise Daniels. Anybody know Elouise
28 Daniels? Twenty-six. Ninety-nine. One-twenty-six.
29 One-fifty-five. Of those of you that indicated you know

1 Elouise Daniels, is there anything about the mere fact
2 that you know who that is that would influence you or
3 affect you or be a factor in you being a fair and
4 impartial juror?

5 And finally, as to the witnesses, Mary Frances
6 Moore. Do any of you know Mary Frances Moore? And is
7 there anything -- okay. Number 13. Number 26. Number
8 147. Number 21.

9 Those of you that know Mary Frances Moore, is there
10 any one of you that the fact that you know who that is or
11 know them in some capacity, would that affect any of you
12 in being a fair and impartial juror? Or would any of you
13 believe that testimony over somebody's that you did not
14 know?

15 I take it by your silence that would not be the
16 situation.

17 Ladies and gentlemen, in this case Mr. Flowers is
18 charged with the crime of capital murder. In this type
19 phase -- I mean in this type trial, the State of
20 Mississippi is seeking the death penalty in this case.

21 The procedure works like this. A jury in a capital
22 murder case first decides the guilt or innocence of the
23 person that is on trial. If and only if they find that
24 person guilty does the second phase of the trial begin.

25 In the second phase of the trial, the jury makes a
26 determination about whether the death penalty should be
27 imposed. If the jury cannot make a determination that
28 the death penalty should be imposed, then the sentence
29 for capital murder is life in prison without parole.

1 So I want to know first of all, if there are any of
2 you that if you feel like the facts justified it and the
3 law allowed it, are there any of you that could not even
4 consider the fact that there was the death penalty, that
5 you could not consider the death penalty if this case got
6 to the second phase where you were having to make that
7 determination?

8 Is there any one of you that just absolutely could
9 not even consider the fact -- could not even consider
10 death penalty in the event that there was a conviction in
11 the first phase? Any of you have that type feeling?

12 And Miss Boles, are you saying that you just
13 absolutely under no circumstances could consider the
14 death penalty as a possible sentence?

15 JUROR RUTHIE BOLES: That is right, because I
16 don't have that authority to take somebody else's life.

17 THE COURT: Okay. I know you were sent a
18 questionnaire, and on it you had marked strongly favor
19 and could consider it. Did you just accidentally mark
20 the wrong thing on that questionnaire?

21 JUROR RUTHIE BOLES: Yes, sir.

22 THE COURT: You had marked it -- accidentally
23 marked it wrong.

24 JUROR RUTHIE BOLES: Yes.

25 THE COURT: And you could not consider the
26 death penalty in any fashion; is that correct?

27 JUROR RUTHIE BOLES: Right.

28 THE COURT: And Number 40. Miss, Miss Cooley.

29 JUROR ANGELA COOLEY: Yes, sir.

1 THE COURT: And are you advising the Court even
2 if the law allowed it and the facts justified it that you
3 just absolutely could not even consider in any way the
4 death penalty?

5 JUROR ANGELA COOLEY: Life sentence but not
6 death penalty.

7 THE COURT: You could not consider death
8 penalty at all.

9 JUROR ANGELA COOLEY: No, sir.

10 THE COURT: Number 71. Miss Haynes, are you
11 advising the Court that you just could not even consider
12 the fact -- could not consider that as a possible
13 sentence at all?

14 JUROR PATRICIA HAYNES: I struggled with it,
15 and I don't think I could.

16 THE COURT: Well, you know, have you got any
17 doubts about whether you could?

18 JUROR PATRICIA HAYNES: I really do have some
19 doubts.

20 THE COURT: I mean I think you marked on your
21 questionnaire that you are generally against and could
22 under no circumstances consider it and...

23 JUROR PATRICIA HAYNES: I struggled with it. I
24 don't think I could.

25 THE COURT: Okay. Okay. Number 80. Miss
26 Butts, you've, you've heard the question. Could you not
27 even consider that as a possible sentence, the death
28 penalty?

29 JUROR JOYCE BUTTS: No, sir.

1 THE COURT: Thank you.

2 Number 99. Miss Corder, are you advising that under
3 no circumstances, even if the law allowed it and the
4 facts justified it, that you could consider the death
5 penalty?

6 JUROR DIANNE CORDER: That's right. Could not.

7 THE COURT: Could not consider it at all.

8 JUROR DIANNE CORDER: That's right.

9 THE COURT: And Miss Purnell, if the facts
10 justified it and the law allowed it, could you consider
11 the death penalty?

12 JUROR LINDA PURNELL: No, sir.

13 THE COURT: Number 133. Miss Thompson, if the
14 facts justified it and the law allowed it, could you
15 consider the imposition of the death penalty?

16 JUROR EULANDIA THOMPSON: No, sir, I could not.

17 THE COURT: Thank you.

18 And Number 138. Mr. Townsend. I'm sorry. I was
19 looking at the wrong list. Miss Townsend, if the facts
20 justified it and the law allowed it, could you consider
21 the death penalty?

22 JUROR CHANNA TOWNSEND: No, sir.

23 THE COURT: And Miss Dumas, if the facts
24 justified it and the law allowed it, could you consider
25 the death penalty?

26 JUROR RUBY DUMAS: No, sir.

27 THE COURT: And Number 159. Mr. Haslett, if
28 the facts justified it and the law allowed it, could you
29 consider the imposition of the death penalty?

1 JUROR KENDRICK HASLETT: No, sir I could not.

2 THE COURT: I want to ask another question kind
3 of -- is there any one of you that would not -- well,
4 again, if, if the jury chose not to impose the death
5 penalty, then the sentence would be life without parole.

6 Is there any one of you on the panel that would just
7 automatically think the death penalty should be imposed
8 and would automatically view it as the death penalty and
9 automatically impose the death penalty in a sentencing
10 phase if you were on a jury?

11 So, then each of you are assuring me then that life
12 without parole is a possibility that could be considered.
13 Are each of you saying that to me?

14 Because I think I had a couple -- let me try to see.
15 I think there was a couple of questionnaires that I was
16 not quite certain on that had indicated maybe that you
17 could not consider life without parole.

18 Okay. I see one of the individuals that I had made
19 a note out has already been excused, and the others may
20 have been as well.

21 MR. EVANS: I think I had several still on
22 here, Your Honor.

23 THE COURT: Okay. Dorothy Turner. I, I think
24 on your questionnaire you had -- Number 88. I believe
25 you had marked on your questionnaire that you could not
26 consider life without parole as a sentencing option. Did
27 you mean to mark that, or was that a mistake?

28 JUROR DOROTHY TURNER: I, I -- when I was
29 marking, I really wasn't thinking about it, you know.

1 Sometimes we get in situations where we just mark. I
2 marked because I figured I had to have something marked
3 on there.

4 THE COURT: But --

5 JUROR DOROTHY TURNER: I am like the rest of
6 them. I can't consider the death penalty.

7 THE COURT: Are you saying under no
8 circumstances could you consider the death penalty?

9 JUROR DOROTHY TURNER: I couldn't. I could
10 not.

11 THE COURT: Okay. Thank you.

12 MR. DEGRUY: Your Honor, may we approach?

13 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
14 CARTER AND THE DEFENDANT APPROACHED THE BENCH FOR THE
15 FOLLOWING BENCH CONFERENCE HAD OUTSIDE THE HEARING OF THE
16 PROSPECTIVE JURORS.)

17 MR. DEGRUY: I have a few marked on the
18 questionnaire. Number 21.

19 THE COURT: I am going to -- you talking about
20 that didn't speak up today that marked something
21 different. I am going to go through those.

22 MRS. STEINER: Your Honor, while we are at the
23 bench, I noticed that Juror Number 7 is reading during
24 much of the Court's voir dire and 21 has nodded off. I
25 don't know if should stop and let them come back or what.
26 But 21 is also nodding off.

27 THE COURT: Is 21 the one sitting second row,
28 first person?

29 MRS. STEINER: No. She is in the first row,

1 red, red shirt, a red t-shirt, blue. She is actually
2 sitting next to the jury that, that --

3 THE COURT: I had noticed the person on the
4 second row. The person on the second row is, is nodding
5 off, has been asleep, in fact. Well, I don't know if we
6 are boring everybody.

7 MRS. STEINER: The person I was noting, she is
8 not nodding off now, is sitting next to the lady Mr.
9 Evans pointed out.

10 THE COURT: Okay. I had not noticed, but I
11 will keep a eye on that.

12 (THE BENCH CONFERENCE WAS CONCLUDED.)

13 THE COURT: One-eleven.

14 JUROR DEBORAH LASTER: If this is irrelevant, I
15 apologize, but I thought I should point out that I was
16 one of the six media witnesses for the state's first
17 execution by lethal injection in 2002.

18 THE COURT: And would that influence you or
19 affect you in being a fair juror in this case?

20 JUROR DEBORAH LASTER: No, sir.

21 THE COURT: Okay. I notice, Mr. Hudson, on
22 your, your form that you had filled out, the
23 questionnaire, you did not -- you did not answer at all
24 as to whether you could consider the death penalty as a
25 possible sentence. One hundred five. Where are you?

26 JUROR JAMIE HUDSON: Right here.

27 THE COURT: And so I, I don't know if you
28 overlooked that question or what the situation was. Can
29 you consider the death penalty as a sentencing option?

1 JUROR JAMIE HUDSON: Yes, sir.

2 THE COURT: And could you also consider that
3 life without parole would be imposed --

4 JUROR JAMIE HUDSON: Yes, sir.

5 THE COURT: -- if the death sentence wasn't?

6 JUROR JAMIE HUDSON: Yes, sir.

7 THE COURT: And you will keep an open mind on
8 those issues.

9 JUROR JAMIE HUDSON: Yes, sir.

10 THE COURT: And Sheila Clay, Number, Number
11 112, if you'll stand.

12 JUROR SHEILA CLAY: (Stood up.)

13 THE COURT: On, on your questionnaire you said
14 you could not consider life without parole as a
15 sentencing option. Did you -- but you did not speak up
16 to that today. So did you just overlook that on -- or
17 mark the wrong thing or what?

18 JUROR SHEILA CLAY: I might have overlooked it
19 when I put it on there.

20 THE COURT: So you could consider the
21 possibility of life without parole.

22 JUROR SHEILA CLAY: I could.

23 THE COURT: Okay. And you did not answer the
24 question at all about the death penalty when you
25 answered -- when you filled out your form. So if the
26 facts justified it and the law allowed it, could you
27 consider the imposition of the death penalty?

28 JUROR SHEILA CLAY: If the facts justified it,
29 I could.

1 THE COURT: And the law allowed it.

2 JUROR SHEILA CLAY: Yeah.

3 THE COURT: Okay. Thank you.

4 Okay. Number 114. Mr. Windham, I think on your
5 questionnaire you had mentioned you could not consider
6 life without parole. Did you intend to mark it that way?
7 You didn't speak up a few minutes ago. And do you
8 understand if the death penalty were not imposed, life
9 without parole would be the sentence?

10 JUROR GARY WINDHAM: Yes, sir. That would be
11 okay.

12 THE COURT: And so you would not just
13 automatically consider the death penalty, but would -- I
14 mean you wouldn't just as a matter of course think it
15 should be imposed.

16 JUROR GARY WINDHAM: Yes, I can go on that.

17 THE COURT: You could go along with life
18 without parole.

19 JUROR GARY WINDHAM: Yes, sir.

20 THE COURT: Okay. Thank you.

21 Okay. Number 154. Mr. Little, I believe on your
22 form you had said you could, could not consider life
23 without parole.

24 JUROR BENJAMAN LITTLE: Yes, sir. I stand in
25 favor of the death penalty, but I wouldn't hold up the
26 legal process.

27 THE COURT: So you would -- you are in favor of
28 the death penalty, but you would not automatically impose
29 the death penalty; is that correct?

1 JUROR BENJAMAN LITTLE: Not if it was going to
2 hold up the process, no, sir.

3 THE COURT: Well, you know, so you are saying
4 you would be fair and impartial and not just
5 automatically think it should be imposed.

6 JUROR BENJAMAN LITTLE: Yes, sir.

7 THE COURT: Okay. Thank you.

8 Let me go back. There was a couple of other things
9 that I...

10 And Miss McNeer, Number 21, I believe on your
11 questionnaire you had marked under no circumstances could
12 you consider life without parole. Was that an
13 intentional thing?

14 JUROR SHIRLEY MCNEER: It was not. I filled
15 that out hurriedly.

16 THE COURT: So you understand that if the death
17 penalty was not imposed, life without parole would be.

18 JUROR SHIRLEY MCNEER: Right.

19 THE COURT: And would you -- so you wouldn't
20 automatically just vote to impose the death penalty.

21 JUROR SHIRLEY MCNEER: No, sir. I would go
22 along with it.

23 THE COURT: Okay. And then -- let's see. And
24 Miss Everett, Number 75, if you will stand.

25 I noticed when you filled out your questionnaire
26 that you said you were generally against the death
27 penalty and could under no circumstances consider it. Is
28 that -- did you mean to fill it out that way or...

29 JUROR ROSEMARY EVERETTE: No, I didn't.

1 THE COURT: So if the facts allowed it and the
2 law justified it, could you consider the imposition of
3 the death penalty?

4 JUROR ROSEMARY EVERETTE: I could consider it.

5 THE COURT: Okay. I believe Mr. Newman, Number
6 35, I believe you had marked on your questionnaire that
7 under no circumstances could you consider the death
8 penalty. Is that still your view on the death penalty?
9 Or if the facts allowed it and the law justified it -- or
10 the facts justified it and the law allowed it, could you
11 consider the death penalty?

12 JUROR MOSES NEWMAN: You talking about on the
13 questionnaire?

14 THE COURT: Yes, sir.

15 JUROR MOSES NEWMAN: I must have misread it.

16 THE COURT: Because on the questionnaire you
17 had answered, I believe, that you could not consider it
18 under no circumstances. And so did you just write the
19 wrong mark on that?

20 JUROR MOSES NEWMAN: Yes, sir.

21 THE COURT: So are you saying if the facts
22 justified it and the law allowed it, you could consider
23 the death penalty.

24 JUROR MOSES NEWMAN: Yes, sir. I could. Like
25 I said, it would be --

26 (A JUROR STOOD UP AND STARTED WALKING TO THE DOOR OF THE
27 COURTROOM.)

28 THE COURT: Sir.

29 (THE JUROR LEFT THE COURTROOM.)

1 THE COURT: Ladies and gentlemen, I think
2 apparently y'all are needing a recess. So we will take a
3 15-minute break, and I will ask you not to discuss the
4 case or anyone during this recess.

5 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER AND MR.
6 CARTER APPROACHED THE BENCH FOR THE FOLLOWING BENCH CONFERENCE
7 HAD OUTSIDE THE HEARING OF THE COURTROOM AUDIENCE.)

8 MR. CARTER: Are the attorneys from both sides
9 going to be allowed to do any general voir dire?

10 THE COURT: That was my -- that was my
11 thinking, you know, to allow general voir dire. Then if
12 there are certain ones that, based on answers that are
13 given, that need to be individually questioned, we will
14 do that. You know, but, you know, when -- I mean that is
15 the process that I have been looking at going to unless
16 y'all have some other idea.

17 MR. CARTER: I have one other question, Your
18 Honor. Are we allowed to, to split it between Andre and
19 I, or are we going to be required that either one lawyer
20 from either side do it? Or do you care? Does it matter
21 to you?

22 THE COURT: I was going to say I don't want any
23 repetitive questions, if y'all choose to have one
24 questioning the panel and then the other one. But I
25 don't want any repetitive questions to be asked.

26 I actually don't want y'all to repeat questions the
27 Court has asked unless there is a real necessity for it,
28 because I have voir dired longer than I ever have, and
29 I'm not through yet.

1 (THE BENCH CONFERENCE WAS CONCLUDED.)

2 (A RECESS WAS TAKEN.)

3 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
4 CARTER AND THE DEFENDANT WERE PRESENT IN OPEN COURT. THE
5 PROSPECTIVE JURORS WERE ALSO PRESENT. PROCEEDINGS WERE AS
6 FOLLOWS:)

7 THE COURT: Number 43. Mr. Sanders, and I
8 believe you had marked on your questionnaire that you
9 could not consider in any circumstance the death penalty.
10 Is that your view?

11 JUROR BEN SANDERS: Yes, sir.

12 THE COURT: Even if the law allowed it and the
13 facts justified it, you still could not consider it; is
14 that correct?

15 JUROR BEN SANDERS: (Nodded.)

16 THE COURT: Okay. Thank you.

17 MR. HILL: Your Honor, I didn't hear a
18 response.

19 THE COURT: He said yes, that he could not
20 consider it.

21 Then Mr. Collins. Number 144.

22 JUROR GEORGE COLLINS: Yes, sir.

23 THE COURT: On your questionnaire you did not
24 give any answer at all about the death penalty, when you
25 didn't mark anything on your questionnaire about that.
26 So if the facts justified it and the law allowed it,
27 could you consider the imposition of the death penalty?

28 JUROR GEORGE COLLINS: Yes, sir.

29 THE COURT: And did you just overlook that?

1 JUROR GEORGE COLLINS: I overlooked it.

2 THE COURT: Okay. Thank you.

3 Now, is there anyone else on this question
4 concerning the death penalty that has not been questioned
5 about it that any of the rest of you, even if the facts
6 allowed it and the law justified it you could not
7 consider it?

8 And again, is there anybody that would just
9 automatically consider the death penalty and think that
10 should be imposed if you got to the point where you were
11 in the sentencing phase?

12 Ladies and gentlemen, I want to know now if any of
13 you have a situation where you have got some religious
14 views, some philosophical view of life where you just do
15 not think that you should judge any person for any
16 reason, where you just can't sit in judgment of one of
17 your fellow mankind for any reason. Do any of you have
18 that view of life, that philosophical view or that
19 religious view?

20 I take it by your silence that none of you -- okay.
21 Number 122. And you're Mr. Hemphill.

22 JUROR BENJAMIN HEMPHILL: Yes, sir.

23 THE COURT: And are you advising the Court that
24 you just don't feel you could judge any person for any
25 reason?

26 JUROR BENJAMIN HEMPHILL: That's true.

27 THE COURT: Okay. Thank you.

28 Anyone else that has that view?

29 Now, ladies and gentlemen, the way the procedure

1 works is the State of Mississippi puts on their case.
2 Then the prosecution -- I mean then the defense puts on
3 their case. Sometimes there is additional evidence from
4 the prosecution.

5 But after both sides finally rest, the Court
6 instructs you on the law of the case. So you will
7 receive the law through written jury instructions from
8 the Court that will also be read to you. You are
9 required to follow the law as given to you by the Court.

10 You determine the facts in this case. You decide
11 the guilt or innocence of Mr. Flowers, but you do that
12 based on the rules of law as given to you by the Court.

13 So do I have anyone that just feels like they could
14 not follow and obey the instructions of the Court if you
15 thought the law ought to be different or if you thought
16 the Court was wrong on the law?

17 I take it that you are each assuring me that you
18 will, in fact, follow and obey the instructions of law as
19 given to you by the Court.

20 Ladies and gentlemen, I will now allow the State of
21 Mississippi to ask questions of you.

22 And, Mr. Evans or Mr. Hill, you may proceed.

23 MR. EVANS: Thank you, Your Honor.

24 Would you prefer us to use the podium or just stand
25 --

26 THE COURT: Whatever your preference is.

27 MR. EVANS: Good evening, ladies and gentlemen.

28 JURY PANEL: Good evening.

29 MR. EVANS: I'm Doug Evans, your district

1 attorney, for the ones of you that don't know me. This
2 is Clyde Hill, one of the assistant district attorneys.
3 And we'll be --

4 THE COURT: Okay. Mr. Evans, I think we've got
5 somebody --

6 Number 147.

7 JUROR JAMITA SMITH: I'm sorry. Could you
8 speak up? I can't hear you.

9 MR. EVANS: I'll try to.

10 I'm Doug Evans. For the ones of you that don't know
11 me, I'm your district attorney. This is Clyde Hill. He
12 is one of the assistant district attorneys.

13 It will be our job to prosecute this case. As
14 district attorney, that is the job of the district
15 attorney's office. I have seven counties that we handle
16 - Attala, Carroll, Choctaw, Grenada, Montgomery, Winston
17 and Webster Counties.

18 In all of those counties we represent the victims,
19 law enforcement and witnesses that testify where someone
20 has been injured or had something stolen or a case like
21 that. And it's our job to put on proof and prove to the
22 jury beyond a reasonable doubt who committed those
23 crimes. So that's what you will see us doing through the
24 trial.

25 This whole process of what we are doing is to try to
26 get a fair and impartial jury. What we want is a jury
27 that can say I will completely disregard anything I know
28 about anybody involved at this point - whether it be
29 families of the victims, whether it be the defendant and

1 his family or anyone else. What we are asking the jury
2 to do is come in and give both sides a fair trial, listen
3 to the evidence and base their decision on what they hear
4 in court.

5 Now, I know some of you have already said for
6 different reasons that you could not do that. But is
7 there anyone that has not answered that feels at this
8 point that they could not give both sides a fair trial?
9 If it is, please let us know.

10 Now, in any case you are going to have a different
11 group that could be good, qualified jurors than you may
12 in another case. That may be so because of
13 relationships, family relationships, friendships and
14 things like that.

15 And as y'all have seen during the voir dire, we have
16 lost a lot of the panel because people that knew one side
17 or the other. I know there are still some people here
18 that do have family relationships.

19 And is there anyone here -- I may go into a few of
20 them more specifically. But is there anyone here today
21 that feels because of their family relationships that
22 they could not be fair and impartial?

23 Now, there are only certain types of cases in this
24 state where the death penalty is an appropriate
25 punishment. There are several different categories of
26 crime that makes this case a possible death penalty case
27 is because it is a murder or multiple murders that were
28 committed during the course of a robbery.

29 Is there anyone here that feels that the death

1 penalty should not be even an option in this case, that
2 has not answered, just because of your personal beliefs
3 about what the law should be? Anyone at all?
4

5 JUROR ANGELA COOLEY: Will you restate that,
6 please?

7 MR. EVANS: Other than the ones that have
8 already said they don't believe in the death penalty, is
9 there anyone here that believes that just because this is
10 a murder during the commission of a robbery that it
11 shouldn't justify the death penalty?

12 We went through a long list, or the judge did, of
13 people that were related to the defendant, Curtis
14 Flowers, and his family. I've got a few that I want to
15 go just a little bit further with.

16 But before I do, is there anyone else here now after
17 hearing the different family relationships that now
18 realizes that they are related to him that did not
19 answer? Anyone at all.

20 Miss Rodgers, Number 52, y'all have changed up. I
21 have to find you now. I just had this with those notes
22 is why I want to bring it up at this point. You made a
23 comment about one of these attorneys had come to see you.
24 Was it in relationship to this case?

25 JUROR MELBA RODGERS: Yes.

26 MR. EVANS: When was that?

27 JUROR MELBA RODGERS: About two months ago.

28 MR. EVANS: Which attorney was it?

29 JUROR MELBA RODGERS: I don't know her name,

1 but she is sitting over there.

2 MR. EVANS: The lady sitting over here.

3 JUROR MELBA RODGERS: By the -- by the officer
4 right there.

5 MR. EVANS: Okay. Your Honor, may I get her
6 name for the record?

7 MRS. CURRY: Regina Curry.

8 MR. EVANS: Regina Curry. Did she discuss the
9 facts of the case with you?

10 JUROR MELBA RODGERS: Not of the case, no.

11 MR. EVANS: Okay. Did she come to see you
12 about you being on this jury panel?

13 JUROR MELBA RODGERS: No. No. No. That was
14 before I got summonsed.

15 MR. EVANS: Okay. Thank you.

16 THE COURT: Mr. Evans, Number 99 has her number
17 up.

18 MR. EVANS: Yes, ma'am.

19 JUROR DIANNE CORDER: I had a visit in the
20 summer of 2006 by a lady from Jackson with the Office of
21 Capital Defense.

22 MR. EVANS: Okay.

23 JUROR DIANNE CORDER: And her name was Regina
24 Curry. I had that in my mind.

25 MR. EVANS: All right. So you have also had
26 visits from her.

27 JUROR DIANNE CORDER: She visited me and asked
28 me questions. I also got a call before they -- I guess I
29 got a call before the third trial by someone else.

1 MR. EVANS: Okay. Thank you.

2 Okay. Mr. Ratliff. Number 56.

3 BY A JUROR: He is gone.

4 MR. EVANS: He is already gone. Gone through
5 so many levels. It is already hard to keep everybody
6 straight.

7 How about Juror Number 80? Miss Butts.

8 JUROR JOYCE BUTTS: Yes.

9 MR. EVANS: I notice in here that you know the
10 defendant's parents through church musical groups; is
11 that correct?

12 JUROR JOYCE BUTTS: Yes.

13 MR. EVANS: And how long have you known them?

14 JUROR JOYCE BUTTS: All of my adult life.

15 MR. EVANS: Okay. Which ones do you know?

16 JUROR JOYCE BUTTS: His parents.

17 MR. EVANS: Ma'am.

18 JUROR JOYCE BUTTS: His parents, Lola and
19 Archie, Sr.

20 MR. EVANS: Would you consider them friends?

21 JUROR JOYCE BUTTS: Sure.

22 MR. EVANS: Okay. Any of the other family
23 members?

24 JUROR JOYCE BUTTS: All his distant cousins.

25 MR. EVANS: Which ones would that be?

26 JUROR JOYCE BUTTS: Archie's brothers. I'm a
27 minister's wife, and I don't know all their names.

28 MR. EVANS: Okay. What I'm getting at -- and I
29 know this is something that a lot of people will be

1 asked, because it's kind of what we are trying to get to.
2 The fact that you are friends with his parents --

3 JUROR JOYCE BUTTS: Um-hum.

4 MR. EVANS: -- if you were asked to serve on
5 this jury, and you heard the evidence, and you were
6 trying to decide based on the evidence whether this
7 defendant was guilty or innocent, would the fact that you
8 are friends with his parents enter into that decision?

9 JUROR JOYCE BUTTS: No, sir.

10 MR. EVANS: So you could completely disregard
11 that and base your decision on the evidence that you
12 hear?

13 JUROR JOYCE BUTTS: Yes sir.

14 MR. EVANS: Thank you, ma'am.

15 Number 92. Miss Lane.

16 JUROR KATHERINE LANE: Yes, sir.

17 MR. EVANS: I think you said that you knew the
18 defendant's mother and father.

19 JUROR KATHERINE LANE: I sure do.

20 MR. EVANS: How long have you known them?

21 JUROR KATHERINE LANE: All my life.

22 MR. EVANS: Would you consider them friends?

23 JUROR KATHERINE LANE: No. They are just
24 associates of people I know in the community.

25 MR. EVANS: Just people you know.

26 JUROR KATHERINE LANE: In the community.

27 MR. EVANS: How, how do you know them?

28 JUROR KATHERINE LANE: I see them on their job.
29 I see them on the job. I see them out at Wal-Mart, just

1 in the community. I live here.

2 MR. EVANS: Okay. And I believe you live close
3 to a couple of his relatives; is that correct?

4 JUROR KATHERINE LANE: Neighbors. Well, Miss
5 Jones is a neighbor and has been a neighbor for 30-some
6 years. I have never been to her house. She has never
7 been to mine.

8 MR. EVANS: And what Jones is that?

9 JUROR KATHERINE LANE: Hazel.

10 MR. EVANS: Okay. And --

11 JUROR KATHERINE LANE: Mr. Campbell. I bought
12 property from him.

13 MR. EVANS: Which Campbell is that?

14 JUROR KATHERINE LANE: "F". "F" Campbell.

15 MR. EVANS: "F" Campbell.

16 JUROR KATHERINE LANE: That's all I know.

17 MR. EVANS: Okay. You've heard what I asked
18 Miss Butts. Is there anything about that, that would
19 enter into your decision at all?

20 JUROR KATHERINE LANE: No. No.

21 MR. EVANS: Do you know the defendant?

22 JUROR KATHERINE LANE: Not really. I mean I
23 know -- I see him there, but I really don't know him.

24 MR. EVANS: I believe at times he sang with the
25 group that his father is with. Have you ever heard him
26 or his father's group sing?

27 JUROR KATHERINE LANE: I have heard Archie's
28 group a few times when I went to concerts but...

29 MR. EVANS: Nothing about --

1 JUROR KATHERINE LANE: I heard five or six
2 other groups there too. So I just went to a group -- a
3 gospel concert.

4 MR. EVANS: So there is nothing about that that
5 would affect you in any way.

6 JUROR KATHERINE LANE: No. I like gospel.

7 MR. EVANS: Thank you.

8 Number 110. We were all writing so fast I was
9 trying to figure out for sure what I have got. You know
10 Archie, Jr. That is his brother.

11 JUROR CONNIE LEGG: Yes, sir.

12 MR. EVANS: He umpired some ball games with
13 your husband.

14 JUROR CONNIE LEGG: Right. Right. He is -- he
15 is out there every night just about. And my husband
16 works also for the park. And so we see him quite often.

17 MR. EVANS: Anything about that that would
18 affect you in this case?

19 JUROR CONNIE LEGG: No. No.

20 MR. EVANS: Thank you, ma'am.

21 One-thirty-five. Miss Robinson, you went to school
22 with the defendant; is that correct?

23 JUROR ANN ROBINSON: Um-hum.

24 MR. EVANS: What grades?

25 JUROR ANN ROBINSON: Probably first through
26 eleventh. I dropped out in eleventh.

27 MR. EVANS: Okay. So just about the whole
28 time, all the way through school.

29 JUROR ANN ROBINSON: (Nodded.)

1 MR. EVANS: And you know his Uncle Roscoe and
2 you know his father, Archie; is that correct?

3 JUROR ANN ROBINSON: I know of him. I don't
4 know him personally.

5 MR. EVANS: You don't know him personally. Is
6 there anything about that that would affect you at all in
7 this case?

8 JUROR ANN ROBINSON: (Shook head.)

9 MR. EVANS: All right. Thank you, ma'am.

10 Number 161. Mr. Williams, I think you worked with
11 his brother at Richardson Furniture; is that correct?

12 JUROR JAMES WILLIAMS: That's correct.

13 MR. EVANS: How long ago was that?

14 JUROR JAMES WILLIAMS: Probably 10, 15 years
15 ago.

16 MR. EVANS: Do you still have any association
17 with his brother?

18 JUROR JAMES WILLIAMS: No.

19 MR. EVANS: Is there anything about that that
20 would affect you in any way?

21 JUROR JAMES WILLIAMS: No.

22 MR. EVANS: Thank you, sir.

23 All right. The judge went into a little about ones
24 of you that may have had family members that have had
25 convictions before. Now, I am not going to go back into
26 all of that.

27 What I want to do, I'd like for the ones of you that
28 have had family members, relatives that have been
29 convicted of a violent offense - murder, aggravated

1 assault, rape, sexual battery, things like that - if
2 y'all would stand, please.

3 Number 2. Miss Boles, that is a nephew that was
4 convicted; is that correct?

5 JUROR RUTHIE BOLES: Right.

6 MR. EVANS: Where was that?

7 JUROR RUTHIE BOLES: In Montgomery County over
8 by J.J. Dobbs school.

9 MR. EVANS: Okay. And that was Michael
10 Forrest.

11 JUROR RUTHIE BOLES: Right.

12 MR. EVANS: Now, also, I know you have got a
13 son named Tracey Forrest; is that correct?

14 JUROR RUTHIE BOLES: Right.

15 MR. EVANS: I think he right now has a warrant
16 out for him.

17 JUROR RUTHIE BOLES: He does.

18 MR. EVANS: Do you know about that?

19 JUROR RUTHIE BOLES: No.

20 MR. EVANS: For burglary and uttering forgery.

21 JUROR RUTHIE BOLES: (Shook head.)

22 MR. EVANS: Okay. And if he does, that means
23 my office would be the one that had to prosecute him
24 also.

25 So considering that, is there any way that you would
26 hold that against the State in this case just because I
27 may have had to prosecute family members?

28 JUROR RUTHIE BOLES: No, I wouldn't.

29 MR. EVANS: Okay. Thank you, ma'am.

1 Number 35.

2 THE COURT: Wait a minute. You missed Number
3 13.

4 MR. EVANS: Thank you, Judge.

5 Number 13. Miss Holland.

6 JUROR TINA HOLLAND: Yes, sir.

7 MR. EVANS: That's a nephew convicted of
8 murder.

9 JUROR TINA HOLLAND: Yes, sir.

10 MR. EVANS: Where was that?

11 JUROR TINA HOLLAND: That was in Memphis.

12 MR. EVANS: So that would not be one that I had
13 prosecuted.

14 JUROR TINA HOLLAND: No.

15 MR. EVANS: How long ago was that?

16 JUROR TINA HOLLAND: Sixteen or 17 years ago.

17 MR. EVANS: Is there anything about the way it
18 was handled that would cause you to lean against the
19 prosecution in any way?

20 JUROR TINA HOLLAND: No, sir.

21 MR. EVANS: Thank you, ma'am.

22 And Number 35. Mr. Newman, your first cousin was
23 C.W. Forrest; is that correct?

24 JUROR MOSES NEWMAN: Yes, sir.

25 MR. EVANS: And I was the prosecutor that
26 prosecuted that case. It was aggravated assault in
27 Grenada County. Is there anything about that that would
28 cause you any either hard feelings or for you not to be
29 fair and impartial to the State in this case?

1 JUROR MOSES NEWMAN: No, sir.

2 MR. EVANS: Okay. And while, while I've got
3 you up here. You are also related to the defendant.

4 JUROR MOSES NEWMAN: Yes, sir.

5 MR. EVANS: And was that first cousin?

6 JUROR MOSES NEWMAN: You talking about to Mr.
7 Flowers?

8 MR. EVANS: Right.

9 JUROR MOSES NEWMAN: No, sir. His grandmother
10 and my great grandmother were sisters. And I don't know
11 how far -- I think that would make us like fourth --
12 would that make us fourth?

13 MR. EVANS: Okay. Jimmy Forrest was your
14 uncle.

15 JUROR MOSES NEWMAN: Yes.

16 MR. EVANS: What relationship are you to Mr.
17 Nelson Forrest?

18 JUROR MOSES NEWMAN: He is my grand-uncle's
19 son.

20 MR. EVANS: So you are also related to him
21 somewhere.

22 JUROR MOSES NEWMAN: Yes.

23 MR. EVANS: And I believe you said that because
24 of your relationship with Jimmy Forrest that you would
25 have to automatically believe his testimony over someone
26 else.

27 JUROR MOSES NEWMAN: Over a stranger. You
28 know, it would be my uncle, of course.

29 MR. EVANS: All right. And some things that we

1 have to ask, that have to go into because that is the
2 only way we can, can bring it up. But you were also
3 charged with a crime at Dollar General store at one time,
4 were you not?

5 JUROR MOSES NEWMAN: Me?

6 MR. EVANS: Yes, sir.

7 JUROR MOSES NEWMAN: Charged with?

8 MR. EVANS: Did you ever work at Dollar
9 General?

10 JUROR MOSES NEWMAN: Yes, I did work at Dollar
11 General.

12 MR. EVANS: Were you questioned about a crime
13 that was committed there?

14 JUROR MOSES NEWMAN: Yes, sir, I was, but I was
15 never charged.

16 MR. EVANS: Okay. And through that
17 investigation, you were questioned by my office; is that
18 correct?

19 JUROR MOSES NEWMAN: No, sir. I was only
20 questioned by -- what's --

21 MR. EVANS: Do you remember Mr. Robert Jennings
22 questioning you?

23 JUROR MOSES NEWMAN: I remember -- what's his
24 name? Dave. David. Yes. I remember -- I remember
25 talking to the sheriff's department. That is all I can
26 remember.

27 MR. EVANS: All right. Now, and on your
28 questionnaire you did state that you could not consider
29 the death penalty. And when the judge first asked for

1 the ones to stand up that could not consider the death
2 penalty, I believe you stood up and then you sat back
3 down; is that correct?

4 JUROR MOSES NEWMAN: On the death penalty, I
5 could support the death penalty. I don't remember
6 standing up and sitting back down.

7 MR. EVANS: Okay. But you are saying now that
8 if the facts justified it and the law authorized it, you,
9 yourself, could vote to impose the death penalty.

10 JUROR MOSES NEWMAN: Yes, sir.

11 MR. EVANS: All right. Thank you, sir.

12 Where were we?

13 Number 93. Mr. Matthews, that was a nephew charged
14 with murder.

15 JUROR HARLEY MATTHEWS: Yes, sir.

16 MR. EVANS: Where was that?

17 JUROR HARLEY MATTHEWS: Alabama.

18 MR. EVANS: Okay. So again, that would be one
19 that was out of my jurisdiction. But as far as the way
20 it was handled there, is there anything about that that
21 would cause you --

22 JUROR HARLEY MATTHEWS: I knew very little
23 about it.

24 MR. EVANS: All right. Thank you, sir.

25 Number 99. Miss Corder, and that was your aunt that
26 was charged.

27 JUROR DIANNE CORDER: My aunt was murdered by
28 her husband.

29 MR. EVANS: By her husband. I believe you said

1 that was 48 years ago.

2 JUROR DIANNE CORDER: Right.

3 MR. EVANS: Is there anything about that that
4 would cause you any difficulty?

5 JUROR DIANNE CORDER: (Shook head.)

6 MR. EVANS: Where did that occur?

7 JUROR DIANNE CORDER: In Eupora, Mississippi.
8 In Webster County.

9 MR. EVANS: Okay. All right. Thank you,
10 ma'am.

11 Number 112. Miss Clay, that is a brother-in-law on
12 a rape conviction and another brother-in-law on a
13 robbery; is that correct?

14 JUROR SHEILA CLAY: Um-hum.

15 MR. EVANS: Where did those occur?

16 JUROR SHEILA CLAY: The rape in Leflore County.
17 The burglary in Montgomery County.

18 MR. EVANS: All right. All right. And Filaray
19 (phonetic) Townsend was the one that was charged with
20 robbery. And that was a case that I prosecuted. Is
21 there anything about that --

22 JUROR SHEILA CLAY: (Shook head.)

23 MR. EVANS: -- that would cause you any
24 problem?

25 JUROR SHEILA CLAY: No, sir.

26 MR. EVANS: Thank you, ma'am.

27 Number 133. Miss Thompson.

28 JUROR EULANDIA THOMPSON: Yes, sir.

29 MR. EVANS: I think it was a nephew convicted

1 of robbery; is that correct?

2 JUROR EULANDIA THOMPSON: That's correct.

3 MR. EVANS: Where was that?

4 JUROR EULANDIA THOMPSON: I am thinking it was
5 either in Vaiden, Carroll County.

6 MR. EVANS: Who was it?

7 JUROR EULANDIA THOMPSON: Derrick Thompson.

8 MR. EVANS: Okay.

9 JUROR EULANDIA THOMPSON: Nephew by marriage.

10 MR. EVANS: Is there anything about that that
11 would cause you any difficulty in being fair and
12 impartial?

13 JUROR EULANDIA THOMPSON: No, sir.

14 MR. EVANS: All right. Thank you, ma'am.

15 And Number 147. Miss Smith.

16 JUROR JAMITA SMITH: It's not on my
17 questionnaire, because I just found out about it. My mom
18 told me about it yesterday.

19 MR. EVANS: All right. Who was it?

20 JUROR JAMITA SMITH: Well, my best friend, he
21 just got gunned down like, I knew my mom said it was,
22 like, Sunday night.

23 And my uncle shot my aunt when I was, like, maybe
24 three. And my cousin, Catherine Fullilove, she was
25 killed in a robbery, break-in in her house. And that was
26 when I was, like, ten.

27 MR. EVANS: All right. And your uncle was
28 charged with murder in relationship to your aunt; is that
29 correct?

1 JUROR JAMITA SMITH: No. He was charged with
2 attempted murder, because she didn't die.

3 MR. EVANS: Okay. Who was your best friend
4 that you are talking about?

5 JUROR JAMITA SMITH: His name is Robert.

6 MR. EVANS: Was he charged?

7 JUROR JAMITA SMITH: Who? My best friend? He
8 was gunned down. He is dead.

9 MR. EVANS: Okay. He was shot.

10 JUROR JAMITA SMITH: Yes. This just happened.

11 MR. EVANS: Okay. So the only one that you
12 have is your uncle; is that correct?

13 JUROR JAMITA SMITH: My uncle and my cousin.

14 MR. EVANS: Your cousin.

15 JUROR JAMITA SMITH: Um-hum.

16 MR. EVANS: What was your cousin convicted of?

17 JUROR JAMITA SMITH: Oh, I'm sorry. You said
18 the only that I had.

19 MR. EVANS: That was convicted.

20 JUROR JAMITA SMITH: That was convicted is my
21 uncle.

22 MR. EVANS: Okay. Your cousin was convicted
23 then; right?

24 JUROR JAMITA SMITH: My cousin -- my uncle was
25 convicted. It was my uncle. And my cousin was the
26 victim in a whole other case.

27 MR. EVANS: Okay. I got you. Thanks.

28 Yes, sir.

29 JUROR MOSES NEWMAN: It totally slipped my mind

1 and stuff. But when you said Dollar General, I thought
2 you meant when I worked at the Dollar General store.
3 That, that thing that you are talking about where I was
4 charged, I remember it now.

5 It did not happen at the Dollar General store.
6 That, that was dismissed because he attacked me with a
7 mop handle, and I was defending myself.

8 MR. EVANS: Okay. What I was asking about was
9 the embezzlement.

10 JUROR MOSES NEWMAN: No, I don't think any
11 charges.

12 MR. EVANS: All right. Thank you.

13 THE COURT: Mr. Evans, this lady is back up.

14 MR. EVANS: Yes, ma'am.

15 JUROR JAMITA SMITH: On the -- did you need the
16 name of my uncle?

17 MR. EVANS: Ma'am.

18 JUROR JAMITA SMITH: Did you need the name of
19 my uncle?

20 MR. EVANS: No, ma'am.

21 All right. A couple of you have answered that y'all
22 were related to the long list of possible witnesses that
23 the judge read out. Other than the ones of you that have
24 already said you were related, I think Number 35 and
25 Number 107, is there anyone else that was related to
26 those witnesses?

27 THE COURT: Number 119.

28 MR. EVANS: Yes, sir.

29 JUROR BOBBY ROBERTS: Bill Thornburg.

1 MR. EVANS: Okay. Is there anything about
2 being related to Bill Thornburg that would affect you in
3 this case?

4 JUROR BOBBY ROBERTS: No, sir.

5 MR. EVANS: Thank you, sir.

6 THE COURT: Mr. Evans, you got this lady.

7 MR. EVANS: Yes, ma'am.

8 JUROR JAMITA SMITH: Johnny Hargrove.

9 MR. EVANS: You are related to Johnny Hargrove.
10 I believe you said that yesterday.

11 JUROR JAMITA SMITH: Okay. I'm sorry.

12 MR. EVANS: That's okay. Thank you. It would
13 be better to say it twice than miss it.

14 JUROR JAMITA SMITH: Yes, sir.

15 MR. EVANS: And Miss Black, Number 107, you are
16 related to the defendant; is that correct?

17 JUROR STACY BLACK: Yes.

18 MR. EVANS: And how did you say you were
19 related to him?

20 JUROR STACY BLACK: Third cousin.

21 MR. EVANS: And can you tell me a little about
22 what that relationship is?

23 JUROR STACY BLACK: I was young. I barely knew
24 him.

25 MR. EVANS: How well do you know his family?

26 JUROR STACY BLACK: I know them if I see them.
27 I speak to them.

28 MR. EVANS: All right.

29 JUROR STACY BLACK: I know them.

1 MR. EVANS: You are related to all of them,
2 aren't you?

3 JUROR STACY BLACK: Yes.

4 MR. EVANS: And your father is Nelson Forrest,
5 who I believe is his mother's brother.

6 JUROR STACY BLACK: No.

7 MR. EVANS: Is that right? What's the
8 connection, relationship?

9 JUROR STACY BLACK: With who?

10 MR. EVANS: Between your father and the
11 defendant's mother.

12 JUROR STACY BLACK: I think they are second
13 cousins. I'm not sure.

14 MR. EVANS: Now, as the judge said, it is
15 expected, the defense has rested, that they anticipate
16 calling your father in the sentencing phase of this
17 trial. We expect that he is going to be leaning toward
18 one type of sentence.

19 If he were to do that, with it being your father, do
20 you not think that might influence you?

21 JUROR STACY BLACK: No. He raised me to have
22 my own mind.

23 MR. EVANS: You are saying you could disregard
24 what he had to say, and you wouldn't -- if he didn't want
25 you to impose the death penalty in this case, you
26 wouldn't have any problem when you went back and faced
27 him explaining to him why you did that.

28 JUROR STACY BLACK: No. He told me not to get
29 married, but I did that.

1 MR. EVANS: Thank you.

2 I try to not go back over anything that the Court
3 has gone over. But I find that just about, I'd say the
4 vast majority of the times I do this, I usually have at
5 least one hand. And the reason is most folks don't think
6 about this until they are sitting in your position. That
7 was the question that the Court asked about any of you
8 that feel you should not judge someone.

9 And basically, it wouldn't matter if it was a
10 religious belief or personal belief or what it was.
11 There are folks, some in this room, that feel that they
12 don't have the right to judge anyone else. And it's fine
13 to have that belief, but it would not work with the
14 person being on the jury.

15 Because if we pick the jury and someone had that
16 belief, after going through all the evidence, they would
17 basically have to throw up their hands and say I'm sorry,
18 I just don't think it is right for me to judge someone
19 else. And they could not perform their duties.

20 So is there anyone else here today that feels that
21 they may even have a duty that they could not or should
22 not judge someone else?

23 As the judge told you, this is a death penalty case.
24 And in the second phase, we will be asking for the death
25 penalty in this case. I know a large number of you have
26 already answered that you do not believe in the death
27 penalty in any situation.

28 And right now I am asking about anybody other than
29 the ones that have already answered. Other than the ones

1 that have already responded to that, is there anyone else
2 here today that just does not believe in the death
3 penalty? Anyone at all?

4 All right. Out of the ones -- and I am going to try
5 to make this as fast as possible. Out of the ones that
6 I've got listed that have said that they do not believe
7 in the death penalty and could not consider it under any
8 circumstance, I've got Juror Number 2, Juror Number 40,
9 Juror Number 71, Juror Number 80, Juror Number 99, Juror
10 Number 100, Juror Number 133, Juror Number 138, Juror
11 Number 139, Juror Number 159 and Juror Number 88 and
12 Juror Number 43.

13 Out of all of those, is y'all's view -- if any of
14 y'all's view is different than this, let me know. If you
15 could not consider the death penalty under any
16 circumstances. Any of you have any different view than
17 that?

18 All right. Is there anyone else that falls into
19 that category?

20 All right. And I'm not sure -- we've covered so
21 much. I'm not sure if my notes covered all there is to
22 cover.

23 But on Juror Number 42 -- where is 42?

24 I'm showing that on your questionnaire you stated
25 that you were generally against the death penalty. Was
26 that a correct statement?

27 THE COURT: If you will, stand up, please.

28 JUROR TASHIA CUNNINGHAM: I overlooked it.

29 MR. EVANS: You overlooked it. Now you filled

1 it out.

2 JUROR TASHIA CUNNINGHAM: I filled it out.

3 MR. EVANS: You just filled out the wrong
4 thing.

5 JUROR TASHIA CUNNINGHAM: Yes, sir.

6 MR. EVANS: So you are telling me that you do
7 believe in the death penalty.

8 JUROR TASHIA CUNNINGHAM: Yes, sir.

9 MR. EVANS: And if the facts justified it, you
10 could, in fact, vote for the death penalty.

11 JUROR TASHIA CUNNINGHAM: Yes, sir.

12 MR. EVANS: All right. Thank you, ma'am.

13 I also had Number 92. Miss Lane, I had on your
14 questionnaire that you were generally against the death
15 penalty.

16 JUROR KATHRINE LANE: If the circumstances
17 require the death penalty, then that is what the
18 circumstances require.

19 MR. EVANS: But if the facts justified it in a
20 case and the law said that it was proper, could you
21 impose the death penalty?

22 JUROR KATHRINE LANE: If the evidence showed it
23 was necessary, yes.

24 MR. EVANS: All right. Thank you, ma'am.

25 As the Court's told you, the burden of proof is
26 always on the State of Mississippi. We have to go
27 forward, and we have to put our case on to prove the
28 defendant is guilty beyond a reasonable doubt.

29 And the burden of proof is always the same. It

1 doesn't matter if it is a grand larceny case or if it's a
2 capital murder case. Because this is a capital murder
3 case, is there anyone here today that would hold us to
4 any higher burden of proof than that?

5 I know I've heard folks before say that they
6 couldn't be a fair and impartial juror because if they
7 didn't see somebody commit the crime, they couldn't vote
8 guilty. Is there anyone here today that could not look
9 at the evidence and, as the instruction says, be
10 reasonable and make a decision about whether or not a
11 defendant was guilty?

12 We expect in this case that there will be testimony
13 to prove what gun was used in the murders and where it
14 came from and how it got into the defendant's hands. But
15 we do not have the gun. We will have an expert to
16 testify.

17 But is there anyone here today that, even with all
18 of that evidence, would feel that well, if you don't have
19 the murder weapon, it doesn't matter what else you've
20 got, I couldn't vote guilty? Anyone at all?

21 A capital murder trial is unique because it is in
22 two phases. The jury that's picked will first sit in the
23 box and hear evidence and see evidence and hear testimony
24 about the guilt or innocence only. And in that phase the
25 Court will instruct you that you are not to even consider
26 what the proper penalty should be.

27 Can each of you tell us at that point that you would
28 follow the Court's instruction, you would only look at
29 guilt or innocence and wait until the Court tells you

1 it's the proper time to look at what the verdict should
2 be? Is there anyone that cannot do that?

3 All right. That phase we normally call the guilt or
4 innocence phase. In that phase, if the jury convicts the
5 defendant, Curtis Flowers, then we go into a second phase
6 to determine what penalty is appropriate.

7 In that phase both sides may or may not put on
8 additional evidence. There are different things that
9 will enter into it, and that will be a decision of both
10 sides. But once that is over, then the jury will be able
11 to determine what the appropriate punishment should be.

12 There will be certain factors that the Court can
13 consider. Some of them are called aggravating factors.
14 They are things that would justify the death penalty
15 being imposed. There are other factors that are called
16 mitigating factors that the jury may find, and they would
17 tend to show that a life sentence could be appropriate.
18 The Court will tell the jury how these must be weighed
19 and how the jury is to look at them.

20 Will each of you tell us that you will listen to the
21 Court's instructions, will read the instructions and will
22 follow those instructions if you are picked on the jury?
23 If you can do that, if you would, raise your hand and let
24 me know that you would. Thank you.

25 JUROR JAMITA SMITH: Excuse me, Mr. Evans.

26 MR. EVANS: Yes, ma'am.

27 JUROR JAMITA SMITH: I have another question.
28 I am sorry if I'm being a bother.

29 MR. EVANS: You're not bothering me.

1 JUROR JAMITA SMITH: But this is my first time.
2 From what I've seen, I know it's nothing like on t.v. or
3 whatever. But from my mock trial in high school, I was
4 under the impression that once the jury made their
5 decision, that it was up to the judge to determine it.

6 Is that what you are talking about?

7 MR. EVANS: No. In, in most crimes the judge
8 determines the punishment. In a capital murder case, the
9 jury does. It will be a jury decision. And the only way
10 in Mississippi that the death penalty can be returned is
11 for the jury to unanimously decide that is the proper
12 penalty. So it would be the jury that made that
13 determination.

14 Along with the burden of proof -- and this is very
15 appropriate. It should be this. The law in Mississippi
16 and most states - well, all states - is that at this
17 phase in a trial, before a jury has heard any testimony,
18 this defendant or any other defendant is presumed by law
19 to be innocent.

20 There is a very simple reason for that. We have not
21 put on any proof yet. So if you were asked to vote at
22 this point, since there has been no proof, you would have
23 to vote not guilty under your oath. Does everyone
24 understand that?

25 Now, that presumption only protects the defendant
26 until such time as we have proven our case. And once we
27 have proven our case to the jury beyond a reasonable
28 doubt, that presumption of innocence is no longer there
29 to protect the defendant. Do each of y'all understand

1 that? So it is only there until we have proven our case
2 beyond a reasonable doubt.

3 Number 41. Miss Henson.

4 JUROR JOYCE HENSON: Yes, sir.

5 MR. EVANS: I can't keep up with where
6 everybody is now.

7 I think the only relationship that you had with
8 knowing anything about the defendant is through your
9 husband and his work; is that correct?

10 JUROR JOYCE HENSON: That's correct.

11 MR. EVANS: Is there anything about that that
12 would affect you in this case?

13 JUROR JOYCE HENSON: No, sir.

14 MR. EVANS: Thank you, ma'am.

15 Number 144. Mr. Collins.

16 JUROR GEORGE COLLINS: Yes, sir.

17 MR. EVANS: You were parts manager at Auto
18 Zone.

19 JUROR GEORGE COLLINS: Yes, sir.

20 MR. EVANS: How long have you been there?

21 JUROR GEORGE COLLINS: Three and a half years.

22 MR. EVANS: Were you there any when the
23 defendant's brother worked there?

24 JUROR GEORGE COLLINS: He was there about two
25 months, and then he moved -- got transferred to Grenada.

26 MR. EVANS: Okay. So you worked with him for
27 about two months.

28 JUROR GEORGE COLLINS: Yes, sir.

29 MR. EVANS: Did y'all ever talk about the case?

1 JUROR GEORGE COLLINS: No, sir.

2 THE COURT: Is there anything about your
3 relationship with him that would cause you any difficulty
4 in this particular case?

5 JUROR GEORGE COLLINS: No, sir.

6 MR. EVANS: Thank you, sir.

7 At the time this occurred, the defendant was living
8 on McAdams Street, and I think his parents were living on
9 Cade, if I'm right, but in that neighborhood, McNutt,
10 Cade, Campbell. How many of y'all live or have lived in
11 that area?

12 Okay. Juror Number 147.

13 JUROR JAMITA SMITH: Yes, sir.

14 MR. EVANS: Do you live there now?

15 JUROR JAMITA SMITH: No, sir.

16 MR. EVANS: When did you live there?

17 JUROR JAMITA SMITH: When I first moved down
18 here in '03. Wait. Wait. In, like, probably end of
19 '05, beginning of '06.

20 MR. EVANS: And where, where did you live?

21 JUROR JAMITA SMITH: On -- with my grandmother.
22 18th & Cade Street.

23 MR. EVANS: I'm sorry.

24 JUROR JAMITA SMITH: 310 Cade Street.

25 MR. EVANS: So you were living down the street
26 from him; is that correct?

27 JUROR JAMITA SMITH: Well, I didn't know him.
28 But you said Cade Street. I stayed on Cade Street. I
29 spoke up.

1 MR. EVANS: Okay. Thanks.

2 And 107.

3 JUROR STACY BLACK: I used to live on Hazel
4 Circle, off Freeman Street.

5 MR. EVANS: Okay.

6 THE COURT: Would you repeat that? I didn't
7 hear you.

8 JUROR STACY BLACK: Hazel Circle. Off Freeman
9 Street.

10 MR. EVANS: And is that now or in the past?

11 JUROR STACY BLACK: Then and now.

12 MR. EVANS: Then and now.

13 Okay. And 153.

14 JUROR NORA BUTTS: I lived on Campbell Street.

15 MR. EVANS: Okay. And do you still live there?

16 JUROR NORA BUTTS: No.

17 MR. EVANS: When was that?

18 JUROR NORA BUTTS: Back in the early '90's.

19 MR. EVANS: Okay. Were you living there in

20 '96?

21 JUROR NORA BUTTS: No. No, I was not.

22 MR. EVANS: Okay. Thank you.

23 And 144.

24 JUROR GEORGE COLLINS: Campbell Street.

25 MR. EVANS: And is that now or in the past?

26 JUROR GEORGE COLLINS: I live there now.

27 MR. EVANS: How long have you lived there?

28 JUROR GEORGE COLLINS: About 20-some years.

29 MR. EVANS: How far do you live from the

1 Flowers?

2 JUROR GEORGE COLLINS: About two streets over.

3 MR. EVANS: Do you see them very often?

4 JUROR GEORGE COLLINS: No, sir.

5 MR. EVANS: Anything about that that would
6 affect you in any way?

7 JUROR GEORGE COLLINS: No, sir.

8 MR. EVANS: All right. Thanks.

9 One other thing, and I'm not going to go very much
10 into this, because I think the judge briefly touched on
11 it. You were asked questions about would you
12 automatically vote for any particular sentence. Do each
13 of you understand that it would only be after hearing the
14 evidence that you should make any determination of what
15 sentence would be appropriate? Does everybody understand
16 that? Thank you.

17 Your Honor, I'll tender the panel.

18 THE COURT: Ladies and gentlemen, I will give
19 you a recess before the defense questions you. So we
20 will take a 15-minute recess. If you will, be back in
21 here at 3:55 and in your same seats, in the same places.
22 And we will resume at that time.

23 Do not discuss the case with anyone or among
24 yourselves.

25 (A RECESS WAS TAKEN.)

26 (PROCEEDINGS RESUMED IN OPEN COURT. MR. EVANS, MR. HILL,
27 MR. DEGRUY, MRS. STEINER, MR. CARTER AND THE DEFENDANT WERE
28 PRESENT. PROCEEDINGS CONTINUED AS FOLLOWS:)

29 THE COURT: Mr. Carter, are you ready to

1 proceed?

2 MR. CARTER: Yes, sir.

3 I'll start with Mr. Newman.

4 JUROR MOSES NEWMAN: Yes, sir.

5 MR. CARTER: I believe you said you were kin to
6 Mr. Forrest. He is your uncle. I can tell that you have
7 a good impression of your uncle. That is a fine thing to
8 have. But if your uncle told you that it was raining
9 outside and you would look outside and see it is not
10 raining, you wouldn't believe him, would you?

11 JUROR MOSES NEWMAN: No. Are you talking about
12 Jimmy or Nelson?

13 MR. CARTER: Which one did you say was your
14 uncle?

15 JUROR MOSES NEWMAN: Jimmy Forrest.

16 MR. CARTER: Jimmy.

17 JUROR MOSES NEWMAN: Jimmy Forrest.

18 MR. CARTER: Jimmy. And Nelson is a relative
19 of yours.

20 JUROR MOSES NEWMAN: Yes, sir.

21 MR. CARTER: A cousin.

22 JUROR MOSES NEWMAN: Yes, sir. He is my
23 grandmother's brother's son.

24 MR. CARTER: Okay. If either were to
25 testify -- and I assume you have a good opinion of them.
26 But maybe I should tell you that is something that is
27 credible and believable, you would believe it; is that
28 correct?

29 JUROR MOSES NEWMAN: Yes, sir.

1 MR. CARTER: So you wouldn't be blindly
2 influenced to go along with something they said; is that
3 correct?

4 JUROR MOSES NEWMAN: That's correct.

5 MR. CARTER: So you can listen to their
6 testimony and give it whatever weight you think it
7 deserves based on using your own senses; is that correct?

8 JUROR MOSES NEWMAN: Yes, sir.

9 MR. CARTER: Thank you.

10 Now, do we have anyone who actually have discussed
11 this case with any of the victims' family? Has anyone
12 discussed the case with Miss Ballard, the Rigbys, the
13 Stewarts or the Goldens, not necessarily in that order,
14 but any of them?

15 Now, you have heard this thing about the burden of
16 proof being on, on the prosecution, and that is what the
17 law says it is. That is the way it is.

18 Now, you do understand that they have to do more
19 than just say something happened. You do understand they
20 have to prove it; right? And they have to prove it by
21 reliable, by trustworthy evidence.

22 And they can't just prove it just by supposition,
23 guesswork or conjecture, surmise. You understand that;
24 right? It has to be proven. It has to be something that
25 is believable. I just want to make sure you understand
26 that.

27 Now Mr. Flowers may testify, and he may not testify.
28 I don't know if the Court told you, but the defendant
29 never has to testify if the defendant chooses not to.

1 But the defendant can testify.

2 And the Court has told you that you cannot hold it
3 against Mr. Flowers if he decides not to testify. But I
4 am telling you - I know from my own experience, and this
5 is only human nature - that some people feel like if you
6 are accused of something, you have a responsibility to
7 say you didn't do it or defend yourself by being on the
8 witness stand and by explaining or saying you didn't do
9 it.

10 So I ask that question to find out is there anyone,
11 despite what the law is, that would require Mr. Flowers
12 to actually get on the witness stand and tell you his
13 side of the story? And if he doesn't do it, you would
14 hold it against him? I mean there is nothing wrong with
15 it if you feel that way.

16 The thing about voir dire, this funny word you keep
17 hearing, it means to speak the truth. And it doesn't
18 matter what your answer is. Nobody will hold it against
19 you. It may or may not mean that you shouldn't serve on
20 this jury, but it doesn't mean there is anything wrong
21 with your opinion. So if you feel that, there is nothing
22 wrong with that. I just want you to be honest about it
23 and tell us the truth.

24 So again, is there anyone here who thinks he should
25 testify? I'm not saying he won't. If you think he
26 should and if he doesn't, you would hold it against him?
27 We have no one that would hold it against him. That's
28 good.

29 Now, you hear people talk about lawyers. You hear

1 stuff about defense lawyers, and you hear about
2 prosecutors. And you hear about plaintiff lawyers and
3 defense lawyers.

4 Now, Mr. Evans and his staff -- and Mr. de Gruy and
5 Miss Steiner and I, we are defense attorneys. This is
6 what we choose to do. And it is something really that
7 historians are divided by. Which side is the right side?
8 Which side is the good side, the bad side?

9 I am telling you we just work on different sides.
10 There is no good side or bad side. I imagine you could
11 see good and bad in both.

12 Now, do we have anyone that thinks because Mr. Evans
13 prosecutes that he is the good side, and because we are
14 defending, we are the bad side and we are trying to
15 prevent justice from being done or something like that?
16 Does anybody believe that or feel that?

17 If you do, it is perfectly fine with me. It won't
18 hurt my feelings. I won't be mad or hurt, either or
19 anything. In fact, it would make me happy if you feel
20 that way. Anyone feels that?

21 Now, Mr. Evans had this job for a long time. And I,
22 I suppose that shows he is well thought of in town or
23 maybe lucky, I don't know. But let me ask you this: Do
24 you know anyone that works in Mr. Evans' office? He has
25 Clyde Hill here and a host of other prosecutors and some
26 staff people. Anyone has any friends or relatives that
27 work at Mr. Evans' office that you are aware of?

28 You do. Number 6. If you would, stand, sir, and
29 tell us.

1 JUROR GEORGE BROWN: William Blackmon.

2 MR. CARTER: William Blackmon. I believe that
3 is the young man over there in the corner.

4 JUROR GEORGE BROWN: Yes, sir.

5 MR. CARTER: Is he a relative yours?

6 JUROR GEORGE BROWN: No, sir.

7 MR. CARTER: He is just acquaintance. How do
8 you know him?

9 JUROR GEORGE BROWN: From the police
10 department, Grenada Police Department. I was his
11 sergeant at one time.

12 MR. CARTER: Used to be his boss.

13 JUROR GEORGE BROWN: I was his sergeant.

14 MR. CARTER: Sergeant.

15 JUROR GEORGE BROWN: His sergeant.

16 MR. CARTER: Who was superior in terms of
17 rank - you or him?

18 JUROR GEORGE BROWN: I am. I was.

19 MR. CARTER: Now, is there anything about that
20 relationship that would cause you to favor the
21 prosecution or Mr. Evans' side and not be fair to my
22 side?

23 JUROR GEORGE BROWN: No, sir.

24 MR. CARTER: So you could be fair to both sides
25 despite that relationship.

26 JUROR GEORGE BROWN: Yes, sir.

27 MR. CARTER: Anybody else knows anybody in Mr.
28 Evans' office?

29 Number 26.

1 JUROR LISA BRANCH: I know Miss Margie Scruggs
2 at church. I have taught her grandchildren before in
3 Sunday School.

4 MR. CARTER: Is she a personal friend of yours?

5 JUROR LISA BRANCH: I just know her.

6 MR. CARTER: Do you ever visit in each other's
7 homes?

8 JUROR LISA BRANCH: No, sir.

9 MR. CARTER: Is there anything about that
10 relationship that would cause you to be unfair to either
11 side?

12 JUROR LISA BRANCH: No, sir.

13 MR. CARTER: Okay. Number 28.

14 JUROR BRADFORD JOHNSON: John Johnson is a
15 second cousin of mine.

16 MR. CARTER: Is there anything about that
17 relationship that would cause you to be unfair to either
18 side?

19 JUROR BRADFORD JOHNSON: No, sir.

20 MR. CARTER: Or to favor his testimony?

21 JUROR BRADFORD JOHNSON: No, sir.

22 MR. CARTER: Would you favor his testimony
23 because of that?

24 JUROR BRADFORD JOHNSON: No, sir.

25 MR. CARTER: Okay. Number 13.

26 JUROR TINA HOLLAND: Miss Margie Scruggs lives
27 down the road from my mother.

28 MR. CARTER: She lives next to your mother.

29 JUROR TINA HOLLAND: Down the road. Not next

1 to her.

2 MR. CARTER: Do you consider her a friend?

3 JUROR TINA HOLLAND: Not really.

4 MR. CARTER: Do you ever visit her home or she
5 visit yours?

6 JUROR TINA HOLLAND: No.

7 MR. CARTER: Anything about the relationship
8 that would cause you to be unfair to either side?

9 JUROR TINA HOLLAND: No, sir.

10 MR. CARTER: Or favor Mr. Evans' side?

11 JUROR TINA HOLLAND: No, sir.

12 MR. CARTER: Okay. Number 45.

13 JUROR BURNADETTE BRASWELL: I used to work with
14 Margie Scruggs years ago.

15 MR. CARTER: I take it y'all were friends, are
16 friends.

17 JUROR BURNADETTE BRASWELL: Well, we just
18 worked together. We don't visit or anything like that.

19 MR. CARTER: Okay. You talk to her from time
20 to time.

21 JUROR BURNADETTE BRASWELL: I haven't seen her
22 in a long time. No, sir.

23 MR. CARTER: Okay. Is there anything about
24 that relationship that would cause you to favor the
25 prosecution's side?

26 JUROR BURNADETTE BRASWELL: No, sir.

27 MR. CARTER: Okay. Number 60.

28 JUROR SHIRLEY BLAKELY: I know Margie Scruggs.
29 We don't visit in each other's homes, but I consider her

1 a friend.

2 MR. CARTER: Okay. Would that friendship cause
3 you to favor the prosecution?

4 JUROR SHIRLEY BLAKELY: No.

5 MR. CARTER: Number 64.

6 JUROR DANNY GROVES: I know Mr. Johnson through
7 my job.

8 MR. CARTER: And have you known him for a
9 while?

10 JUROR DANNY GROVES: About ten years.

11 MR. CARTER: Ten years. Is he a friend?

12 JUROR DANNY GROVES: Just associates.

13 MR. CARTER: Do you hunt?

14 JUROR DANNY GROVES: No, sir.

15 MR. CARTER: Watch football together?

16 JUROR DANNY GROVES: Never been to his house.

17 MR. CARTER: Never been to his house. Is there
18 anything about that relationship that would cause you to
19 favor his testimony over anybody else's?

20 JUROR DANNY GROVES: No, sir.

21 MR. CARTER: Okay. Thank you.

22 Number 102.

23 JUROR MARTHA BOYLE: I know Mr. Hill from high
24 school many years ago.

25 MR. CARTER: Y'all were in the same high
26 school.

27 JUROR MARTHA BOYLE: Um-hum.

28 MR. CARTER: Were you in the same class?

29 JUROR MARTHA BOYLE: No. And I know the young

1 man in the corner over there from Holmes Community
2 College.

3 MR. CARTER: Mr. Blackmon, you know him.

4 JUROR MARTHA BOYLE: Yes.

5 MR. CARTER: Is there anything about --

6 JUROR MARTHA BOYLE: No. There is no --

7 MR. CARTER: Do you consider Mr. Hill a close,
8 personal friend?

9 JUROR MARTHA BOYLE: No.

10 MR. CARTER: Number 121.

11 JUROR BRUCE WELCH: Margie Scruggs is my
12 sister-in-law.

13 MR. CARTER: Margie is your sister-in-law.

14 JUROR BRUCE WELCH: Yes, sir.

15 MR. CARTER: Okay. You are real fond of her.

16 JUROR BRUCE WELCH: I am very fond of her. I
17 never heard her speak of the case other than when she had
18 to go to court. She doesn't talk about her job.

19 MR. CARTER: You never did discuss this case
20 with her.

21 JUROR BRUCE WELCH: No, sir.

22 MR. CARTER: And if you were a juror, would
23 that relationship cause you to favor Mr. Evans' office?

24 JUROR BRUCE WELCH: No, sir.

25 MR. CARTER: You could be fair to both sides.

26 JUROR BRUCE WELCH: Yes, sir.

27 MR. CARTER: Number 125.

28 JUROR JUDY JONES: Miss Margie Scruggs. I know
29 her.

1 MR. CARTER: How long have you known her?

2 JUROR JUDY JONES: I guess ten years.

3 MR. CARTER: Are you -- do you consider her a
4 personal friend, close, personal friend?

5 JUROR JUDY JONES: No.

6 MR. CARTER: You could be fair to both sides.

7 JUROR JUDY JONES: Yes.

8 MR. CARTER: You have no doubts.

9 JUROR JUDY JONES: No doubts.

10 MR. CARTER: Number 126.

11 JUROR LOUISE CAFFEY: I know Margie Scruggs. I
12 have known her most of my life.

13 MR. CARTER: You've known her most of your
14 life.

15 JUROR LOUISE CAFFEY: But we are not close
16 friends.

17 MR. CARTER: Is there anything about that
18 relationship that would cause you to favor Mr. Evans?

19 JUROR LOUISE CAFFEY: No.

20 MR. CARTER: Or the prosecution?

21 JUROR LOUISE CAFFEY: No, sir.

22 MR. CARTER: Okay. Number 110.

23 JUROR CONNIE LEGG: John Johnson is just a
24 friend. I, I went to school with his brothers and
25 sister.

26 MR. CARTER: You pretty much know the whole
27 family.

28 JUROR CONNIE LEGG: Yeah.

29 MR. CARTER: Are you close with any of them?

1 JUROR CONNIE LEGG: No.

2 MR. CARTER: You been in each other's homes or
3 belong to any organizations together?

4 JUROR CONNIE LEGG: No.

5 MR. CARTER: Is there anything about that
6 relationship that would cause you to be unfair to both
7 sides?

8 JUROR CONNIE LEGG: No.

9 MR. CARTER: Anything about that relationship
10 that would cause you to favor his testimony or Mr. Evans'
11 side?

12 JUROR CONNIE LEGG: No.

13 MR. CARTER: Number 157.

14 JUROR DANNY TOMPKINS: Yes. I am familiar with
15 most of the law enforcement people up there. Mr. Evans
16 was prosecutor in Grenada County when I was game warden
17 up there. He handled several cases I had.

18 I worked with Mr. Clyde Hill back in 1976 for a
19 short period of time. I know John Johnson, the highway
20 patrol and chief of police.

21 MR. CARTER: Is there anything about the law
22 enforcement contact or background that would cause you to
23 favor Mr. Evans' side or the prosecution?

24 JUROR DANNY TOMPKINS: No, sir.

25 MR. CARTER: Your Honor, could we have Mr.
26 Evans to tell the name of the other lawyers in his
27 office, other than Mike Howie?

28 There is at least three more, I think I remember
29 seeing you with, but I don't remember their names.

1 THE COURT: I can tell you. Susan Denley.
2 Clyde Hill. Mike Howie. Ryan Berry. And Adam Hopper.

3 MR. CARTER: Does anyone -- you can have a
4 seat, sir.

5 Anyone familiar with the lady and gentlemen that the
6 judge has named? Friends or relatives or knows them?

7 Now, I'm scared to ask this question, scared of the
8 answer. Does anyone that having had me talk to you for
9 10 or 15 minutes can say that I totally turn you off, you
10 don't like me? And I guess talking to you more would
11 only make you resent me more. You have some kind of
12 problem with the defense, and you don't feel you could be
13 fair to us for whatever reason?

14 Thank you. Appreciate that.

15 Now, do we have anyone who knows Mr. Flowers and who
16 has some kind or problem or has some kind of animosity
17 towards the Flowers that cause you to not be fair to
18 either side or to not be fair to Mr. Flowers, who I
19 represent?

20 Okay. Now, during the process of a trial police
21 officers get questioned a lot, and sometimes it's quite
22 spirited. And people have varying opinions of police
23 officers, and I think it is really good.

24 Okay. But I'm trying to find out if anyone has such
25 great affection and such high regards for police officers
26 and it's so high that if any of us started questioning
27 the police officers either quite seriously or quite
28 spiritedly you would get mad at us and hold it against
29 us.

1 I don't have anyone like that.

2 And do we have anyone that believes that just
3 because a police officer said something it is the gospel,
4 it is the truth and that police officers don't lie. They
5 are never mistaken. Don't make errors and that kind of
6 thing.

7 Thank you.

8 Now, do you understand that when you come to a trial
9 that your job is not to show up and render some kind of
10 service to the victim. Let me explain this to you. We
11 understand this is a horrible crime that happened in this
12 town and in a lot of towns and no decent person is happy
13 about that. And it is a sad occasion, and it makes
14 people sad and hurts people and cause great emotion.

15 But what I want you to understand that when you come
16 to the courtroom as a juror, your job is to -- if you are
17 selected, is to sit in the jury box and listen to
18 evidence and make a decision as to guilt or innocence
19 based on the evidence. It is not your job to effectuate
20 or carry out some community service.

21 Do you understand that, that your decision has to be
22 based on the facts that come from the witness stand and
23 nothing else? Everyone understand that?

24 JUROR ORMAN KNOX: Counselor, I just want to
25 get this straight. So what you are saying, it is not
26 your job to play vengeance for the victim.

27 MR. CARTER: Yes. That is not exactly what I
28 said, but I agree with that. Your job is to, if you are
29 selected, to come here and listen to the evidence that

1 comes from the witness stand and decide guilt or
2 innocence. And if we get to the second phase, decide
3 life or death. Not come in here and based on rumors or
4 events or something you heard in the community and try to
5 extract some kind of punishment.

6 Now, let's talk about something else that nobody
7 likes to talk about. Now, I am from Tougaloo College.
8 And we don't have a football team, but I wish we did.
9 Frankly, I wish we could play Millsaps or Bellhaven.
10 Choose their sides.

11 And if we had a football team, we would probably get
12 beat a lot, but I would be on my school's side
13 regardless. And even if Millsaps or Bellhaven had a
14 better team, you wouldn't catch me pulling for Millsaps
15 or Bellhaven. I would pull for my school.

16 You know why I would do it? Because I am biased. I
17 am prejudiced toward my school. I love my school. I am
18 not ashamed to say it. There is nothing wrong with that.
19 And we all have biases and prejudices. That is just the
20 way it is. You can't avoid it. You are socialized,
21 raised, born into a world where they exist.

22 Now, if for any reason you know you can't be fair --
23 I don't even have to know the reason. But if you know
24 you can't be fair, that this particular trial is not the
25 one you should be sitting in judgment of someone on
26 because of some prejudice you have, would you be honest
27 enough to admit it?

28 And I will allow you to come forth and just tell the
29 judge what that reason is if, if you want to tell it or

1 if the judge want to hear it. But if you know you can't
2 be fair, then would you -- it would be the right thing to
3 do to admit it and not serve on a jury where you couldn't
4 be fair. You could very easily not be able to serve on
5 this one but be able to serve on another one, because we
6 have feelings about certain cases.

7 Now, let me just tell you about one other thing. I
8 think I read an article that said we had a integrated, if
9 I'm not mistaken, prom in this town a year ago, a couple
10 of years ago or something like that. I must tell you,
11 I'm a little struck by that.

12 MR. EVANS: Your Honor, I object. There is
13 absolutely no reason or right for anyone to attempt to
14 try to bring race up in this trial or any other trial.
15 And that is improper.

16 MR. CARTER: I am not trying to bring up race,
17 Your Honor. I am not trying to accuse, accuse anyone.

18 THE COURT: Counsel approach.

19 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
20 CARTER AND THE DEFENDANT APPROACHED THE BENCH FOR THE
21 FOLLOWING BENCH CONFERENCE HAD OUTSIDE THE HEARING OF THE
22 JURY.)

23 THE COURT: Well, I don't know what you are
24 doing. I don't know -- I don't know what a integrated
25 prom in the town a few years ago has to do with anything.

26 MR. CARTER: Maybe that wasn't the right
27 prelude, Your Honor. But all I'm trying to do is ask if
28 anyone has some prejudice against Mr. Flowers that is so
29 severe or strong against that, I guess, amounts to

1 racism.

2 THE COURT: Well, if you want to ask that
3 question, I don't have any problem.

4 MR. CARTER: That's what I am trying to do. I
5 am trying to finesse it a little bit. I will just ask
6 straight out. Okay.

7 (THE BENCH CONFERENCE WAS CONCLUDED.)

8 THE COURT: I believe we have got a juror
9 holding a hand up about something. One-forty-seven.

10 JUROR JAMITA SMITH: I'm sorry.

11 MR. CARTER: That's okay.

12 JUROR JAMITA SMITH: I know I probably don't
13 have no say in this, but I believe that what you are
14 saying is true. Because yesterday -- I am not going to
15 say any names or point out any folks. But yesterday I
16 was around some folks that stood in this room that was
17 making some pretty racial -- bad racial remarks.

18 I had to leave up out the courtroom, because it made
19 me cry. Because how can you put God in the sentence and
20 then be in judgment of a person just by the pigmentation
21 of their skin?

22 MR. CARTER: Okay. Now, she kind of
23 mentioned -- that is where I was trying to go. As most
24 of you know, race is a hard thing to talk about. When
25 you bring it up you automatically make people mad and
26 defensive. But all I'm trying to find out -- I guess
27 I'll just be honest and not stop trying to finesse it.

28 All I'm trying to find out is whether anyone has a
29 problem with Mr. Flowers being a black male and

1 therefore -- or if you don't like black males, you hate
2 black males, and if you sat on the jury you would hold it
3 against Mr. Flowers. That is what I am trying to do.

4 I was trying to be kind and finesse it without just
5 coming straight out and saying it. So we have no one, I
6 suppose.

7 Okay. Okay. Now, we hear -- you heard some talk
8 about the death penalty. Now, the State of Mississippi
9 has decided that either life or death is appropriate for
10 capital murder.

11 Now, when I'm saying the State of Mississippi, I'm
12 not talking about Mr. Evans. I am talking about our
13 legislature. The folks that made laws. They have
14 decided that either life or death is appropriate for
15 capital murder, that a jury can decide which one he want
16 to give. The law requires you to be able to consider
17 both.

18 But we cannot tell you how to vote. It is not our
19 responsibility to tell you how to vote. It is your
20 decision whether you want to vote for life or death. But
21 both options exist - life without possibility of parole
22 or the death penalty.

23 In order -- and you hear us talk about it. There is
24 still a certain amount of confusion about it. Now, in
25 order for you to even get to that second phase, as Mr.
26 Evans told you, first phase, where you decide guilt or
27 innocence, that is all you are supposed to be deciding,
28 not the punishment.

29 If you find the defendant or Mr. Flowers or any

1 defendant in this situation guilty -- now, I am not
2 trying to tell you Mr. Flowers is guilty. But if you
3 find a defendant guilty, and you get to that second
4 phase, that mean you have decided that that person is
5 guilty of capital murder, that he intentionally,
6 knowingly killed somebody. That it wasn't an accident.
7 That it wasn't a mistake. And he wasn't insane, that he
8 knew exactly what he was doing. And he did what he
9 intended to do.

10 Now, if you found that to be the case and all of a
11 sudden you're in that second phase, who among you
12 believes that the death penalty is the appropriate
13 sentence? If you believe that, if you believe that a
14 person intentionally, knowingly and on purpose kills
15 somebody and it wasn't an accident, it wasn't a mistake,
16 the person not insane, he knew exactly what he --

17 MR. EVANS: Your Honor, I object, because I
18 don't think that is the proper question.

19 THE COURT: I'll sustain the objection in that
20 form.

21 MR. CARTER: Let me see if I can...

22 THE COURT: If you want to ask if they would
23 just automatically believe the death penalty should be
24 imposed, then you can ask it.

25 MR. CARTER: That is where I was headed, Your
26 Honor.

27 THE COURT: Okay. Maybe you should rephrase it
28 that way.

29 MR. CARTER: For that kind of murder, who among

1 you believes that the death penalty is automatic
2 punishment? Now, there is nothing wrong if you believe
3 it, because this process is about what you believe, not
4 what anybody else believes, not about what we want, not
5 what we think. It is about what you believe.

6 Who among you believe that for that kind of murder,
7 the death penalty is appropriate, the only punishment,
8 the only one punishment, the right punishment? If you
9 believe that, stand.

10 Thank you.

11 Now, you also heard Mr. Evans talk about
12 aggravation. And I'm not really sure if you knew exactly
13 what that means. But I'm sure you are familiar with the
14 word aggravation. We all are. And I hope I am not
15 causing you to be any more confused.

16 There is also something on the other side that is
17 called mitigation. Mr. Evans is going to be putting on
18 what is called aggravation - in other words, reasons why
19 he believes the defendant should get the death penalty if
20 we get to the second phase.

21 And we will be putting on what we call mitigation,
22 reasons why we believe you should vote for life without
23 possibility of parole. Now, that could be anything,
24 anything about his character, anything about his
25 background.

26 Now, invariably, if people will be honest, there are
27 people who believe that mitigation are excuses and don't
28 believe that background matters.

29 MR. EVANS: Again, I object. That is not the

1 proper way to go into that. And the question is can they
2 follow the Court's instructions on that.

3 MR. CARTER: Your Honor, that, that is not --

4 THE COURT: I'll sustain the objection. You
5 can rephrase the question, if you choose to do so.

6 MR. DEGRUY: Your Honor, may we approach?

7 THE COURT: You may.

8 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
9 CARTER AND THE DEFENDANT APPROACHED THE BENCH FOR THE
10 FOLLOWING BENCH CONFERENCE HAD OUTSIDE THE HEARING OF THE
11 PROSPECTIVE JURORS.)

12 MR. DEGRUY: This is voir dire. We have the
13 right to ask questions to explore the thoughts of the
14 jurors on the death penalty. We are not limited to
15 simply asking them if they are *Witherspoon*-excludable or
16 Morgan excludable.

17 We can find out to what degree they can, in fact,
18 consider mitigation. That is all he is trying to do. It
19 is proper to ask that, tell them we are not talking about
20 self-defense. We are not talking about insanity. Jurors
21 often believe --

22 THE COURT: Well, I was confused by the
23 question. And I guess I just assumed that if I'm
24 confused by it, the jury would be confused by it.

25 MR. HILL: Rephrase the form of the question.

26 THE COURT: And I do not have any problem with
27 him getting into these areas, because I agree. I think
28 they are appropriate. But I think rephrasing the
29 question would probably be more helpful to the jury

1 because, as I say, I was confused myself.

2 MR. CARTER: Okay.

3 (THE BENCH CONFERENCE WAS CONCLUDED.)

4 MR. CARTER: Ladies and gentlemen, would you
5 let me know if I am confusing you or you are not
6 following me? I am really trying hard to make sure that
7 you understand, even though I might be failing.

8 JUROR NANCY FLY: I was totally lost.

9 MR. CARTER: Okay.

10 JUROR NANCY FLY: Somewhere between aggravation
11 and -- I, I was lost.

12 MR. CARTER: Okay. Let's see if I can -- okay.

13 In the event that Mr. Flowers is found guilty -- and
14 we are not conceding any guilt. We are not going to say
15 you are going to find any guilt. But if you find he is
16 guilty, then we have to have like a second trial that Mr.
17 Evans talked about and like the judge eluded, I think.

18 The first trial, once again, is to decide guilt or
19 innocence. And if not found guilty, we go home. Nothing
20 else happens.

21 If he is found guilty, the trial doesn't end. We
22 have to go to like, like a second trial, another hearing.
23 At that other hearing Mr. Evans will either call other
24 witnesses -- he will likely call other witnesses, put
25 them on the witness stand. And they will give testimony,
26 set forth reasons why they believe the death penalty is
27 the appropriate sentence.

28 And when he finish doing that, our side, we get to
29 call witnesses. Well, first of all, as he puts his

1 witness on the witness stand, we get a chance to
2 cross-examine them, like we do in the first phase.

3 But after he rests during, like, the second trial,
4 the second hearing, we get to call some witnesses. We
5 put them on the witness stand. And they tell and set
6 forth reasons why they believe life without possibility
7 of parole is the appropriate punishment.

8 And once you hear from their side with the
9 aggravation; then you hear my side, which is mitigation.
10 Then you are given the law. And you go back, and you
11 deliberate, and you decide what sentence.

12 At the time I was interrupted I was talking about
13 mitigation. And what I'm trying to find out is to make
14 sure that everybody is open to mitigation, that you will
15 listen to both sides. You will listen to his
16 aggravation, okay, his witnesses he put on the witness
17 stand setting forth the aggravation. And then you will
18 listen to our witnesses that we put on the witness stand
19 to set forth what we call the mitigation.

20 And the law requires that you be open and listen to
21 both sides. And at the time I was interrupted, what I
22 was trying to ask and perhaps not very well is whether
23 you would be open to the mitigation and won't just
24 consider it some excuses if the law tells you that you
25 have to consider it.

26 Now, we know that the law can say one thing, and
27 people can do another thing if they choose to. So I'm
28 trying to find out is can you tell me that you will
29 follow the law. And if the law says you are supposed to

1 listen to mitigation and aggravation that you will
2 actually do that and you won't get there and decide you
3 want to do your own thing regardless of what the law
4 says.

5 Thank you.

6 One more, Your Honor. I think I am finished. I am
7 just checking.

8 THE COURT: Yes, sir.

9 MR. CARTER: Now, with respect to aggravation
10 and mitigation, one final thing. The, the Court is going
11 to tell us the extent to which you can consider it. And
12 can you assure me that you will do what the Court tells
13 you you are supposed to?

14 And so we had, I believe, at least 12 people to say
15 that they could never consider the death penalty. Now,
16 for those people, do you understand that consider simply
17 means give the idea some valid consideration and weight?
18 Nobody is telling you that you have to vote either way.
19 Vote for life or death - it's your decision how you want
20 to vote if you get selected.

21 Because of that, is the opinion given by the people
22 still the same? Has anyone changed or altered their
23 opinion in lieu of just hopefully getting a better
24 understanding of the process?

25 Could you stand Number 2, Number 40, Number 71,
26 Number 80, Number 99, Number 100, Number 133, 138, 139,
27 159 and 143?

28 With the understanding that no one can tell you how
29 to vote - and the State of Mississippi is satisfied

1 however you vote, life without possibility of parole or
2 death - is it still your opinion that you can't even
3 consider, you can't even deliberate on, you can't even
4 think on the possibility of death and that you will be
5 locked into, if selected, life without possibility of
6 parole? Is that what you are saying or are you -- or do
7 you alter your opinion on that in any way?

8 JUROR ANGELA COOLEY: May I restate something
9 to get a better understanding? Are you saying that it
10 can be considered as a process, not that we have to go in
11 that direction?

12 MR. CARTER: Right. You can consider it as a
13 possibility, as an option. You have two options - life
14 without possibility of parole or death.

15 JUROR ANGELA COOLEY: Okay. I can consider it
16 as a process.

17 MR. CARTER: As a possibility. Is that the
18 same thing? What you mean process?

19 JUROR ANGELA COOLEY: Just merely one or the
20 other. Just the process.

21 MR. CARTER: As one or the other.

22 JUROR ANGELA COOLEY: Right.

23 MR. CARTER: And could you -- could you look at
24 both options equally?

25 JUROR ANGELA COOLEY: No, sir.

26 MR. CARTER: Is that how everyone else feels
27 too?

28 Okay. Thank you.

29 Number 21. Number 21. Could you stand? I forgot

1 your name. Miss McNeer.

2 JUROR SHIRLEY MCNEER: Yes.

3 MR. CARTER: Now, you said earlier that Mr.
4 Evans -- I think you told us he married your brother's
5 widow.

6 JUROR SHIRLEY MCNEER: (Nodded.)

7 MR. CARTER: And raised your niece, I believe.

8 JUROR SHIRLEY MCNEER: That's correct.

9 MR. CARTER: Now, has that -- that hasn't made
10 you like him more than normal or dislike him. You, you
11 are pretty much neutral and can be fair to both sides or
12 has that -- what has that -- how has that affected you?

13 JUROR SHIRLEY MCNEER: Well, I mean it, it does
14 not have any bearing on what we are talking about here.
15 I can be fair and impartial. My relationship with him,
16 him having raised my niece has nothing to do with what we
17 are talking about going on here.

18 MR. CARTER: Okay. Have you visited in his
19 home?

20 JUROR SHIRLEY MCNEER: Sometimes I have, yes.

21 MR. CARTER: Okay. In recent years?

22 JUROR SHIRLEY MCNEER: Yes.

23 MR. CARTER: Has he been to yours?

24 JUROR SHIRLEY MCNEER: Sometimes.

25 MR. CARTER: Okay. This niece that we are
26 talking about, I take it she visits you quite a bit over
27 the --

28 JUROR SHIRLEY MCNEER: She is a grown woman
29 now.

1 MR. CARTER: She is a grown woman now.

2 JUROR SHIRLEY MCNEER: Yes.

3 MR. CARTER: During adolescence y'all visited
4 and had a lot of contact.

5 JUROR SHIRLEY MCNEER: I wouldn't say we were
6 just real, real close. No.

7 MR. CARTER: Okay. But irrespective of your
8 relationship, it's your contention you can be fair to
9 both sides and that relationship won't cause you to favor
10 either side.

11 JUROR SHIRLEY MCNEER: Absolutely. I can be
12 fair and impartial. Yes, sir.

13 MR. CARTER: Thank you.

14 Number 2.

15 JUROR RUTHIE BOLES: Back to this death penalty
16 and life without parole. I can make a decision on -- for
17 myself, you know, as you demonstrate a few minutes ago,
18 you know, can't nobody tell you how to vote or whatever.
19 But I can use my own judgment, you know, how I want to
20 go.

21 MR. CARTER: Okay. So are you saying that if
22 you were selected that you could go back and you could
23 consider the death penalty as an option and you could
24 consider life without possibility of parole as a option
25 and sentence?

26 JUROR RUTHIE BOLES: I can.

27 MR. CARTER: Okay. Thank you.

28 MR. EVANS: Your Honor, on these I don't think
29 that is the proper question, but will I be allowed to go

1 back into a couple of these if necessary?

2 THE COURT: There may be some questions that we
3 will ask outside the presence of everybody else.

4 MR. EVANS: Yes, sir.

5 MR. CARTER: Number 137. Can you stand,
6 please?

7 JUROR LINDA MALONE: (Stood up.)

8 MR. CARTER: I believe you said earlier that
9 you heard about the case from Miss Ballard; is that
10 correct?

11 JUROR LINDA MALONE: That's correct.

12 MR. CARTER: Okay. Miss Ballard is a personal
13 friend of yours.

14 JUROR LINDA MALONE: She is.

15 MR. CARTER: Okay. And how long have y'all
16 been friends?

17 JUROR LINDA MALONE: About five years.

18 MR. CARTER: Five years. Okay. And, and when
19 you say you heard about it or discussed it, I assume you
20 are talking about more than just being told that she lost
21 her parent. Is that fair to say?

22 JUROR LINDA MALONE: That she lost what?

23 MR. CARTER: Hold on a minute. Let me see if I
24 can talk about this without -- have y'all talked about it
25 more than once?

26 JUROR LINDA MALONE: Why don't you just let me
27 tell you? Would it be better?

28 MR. CARTER: Well, if the judge will --

29 THE COURT: I don't want you to get into any

1 discussion about what she said to you.

2 JUROR LINDA MALONE: Okay.

3 THE COURT: You can give us the context of when
4 she talked to you or something like that.

5 JUROR LINDA MALONE: It is not something you
6 discuss. I mean it's not a subject matter that you bring
7 up, per se. I mean it's not something that you ask or
8 talk about. It's not something you are comfortable
9 talking about. So we haven't discussed any details.

10 There was one conversation in about two sentences
11 that we discussed. It's not anything that we get into
12 any detail with at all. No.

13 THE COURT: And based on that conversation,
14 does that affect you in being a fair and impartial juror?

15 JUROR LINDA MALONE: No, sir.

16 THE COURT: Would you think about that
17 conversation with Miss Ballard or your friendship with
18 her or, or the fact that she, I'm sure, suffered grief by
19 the loss of her parent? Would, would that be a factor at
20 all?

21 JUROR LINDA MALONE: No, sir.

22 THE COURT: Okay. Thank you.

23 MR. CARTER: One moment, Your Honor. I think
24 I'm finished.

25 Thank you.

26 MR. DEGRUY: We have nothing else. We don't
27 need any additional voir dire.

28 THE COURT: If y'all will approach, Counsel.

29 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.

1 CARTER AND THE DEFENDANT WERE PRESENT AT THE BENCH FOR THE
2 FOLLOWING BENCH CONFERENCE HAD OUTSIDE THE HEARING OF THE
3 PROSPECTIVE JURORS.)

4 THE COURT: I think I'll send the jury out for
5 a minute. Then we will take up any others for cause.
6 And then I'll -- you know, so that some won't have to
7 come back tomorrow. And after everybody is gone, I'll
8 discuss with you the ones we might have additional
9 questions for.

10 MR. DEGRUY: Okay.

11 (THE BENCH CONFERENCE WAS CONCLUDED.)

12 THE COURT: Ladies and gentlemen, if you will,
13 step out of the courtroom for about ten minutes. I'm
14 going to take up a couple of matters with the lawyers
15 here. And so if you will, step out. We will have you
16 come back in in a few minutes.

17 (THE PROSPECTIVE JURORS LEFT THE COURTROOM.)

18 THE COURT: Okay. I think we've had several on
19 the death penalty question and under *Witherspoon* have
20 indicated they would not be able to sit in this case.

21 Now, and, of course, I know -- we all just heard
22 Miss Boles. I think Miss Boles has indicated that she
23 would consider that as an option. So for right now I
24 don't think it would be appropriate to have her to go for
25 cause. I think maybe she can be questioned individually
26 at some point about her views.

27 The next one I see then is Number 40, Miss Coolly.
28 Does either side object to her for cause?

29 MRS. STEINER: Your Honor, we would reiterate

1 here our motion made earlier, all motions with respect to
2 death qualifying the jury at all.

3 And we would invite the Court's attention that the
4 racially discriminatory application in this, there were
5 12 jurors that have been so - well, now 11 jurors - that
6 have been so identified, of whom two are -- identified
7 themselves on their juror questionnaires white and nine
8 have identified themselves as black or African American.

9 And that that is an actual -- the jury venire, as
10 have the prior ones in this county, has roughly
11 represented the population makeup of this county in the
12 range of 42 to 45 percent African American and the
13 disproportionally exclusion of African-American jurors by
14 virtue of *Witherspoon*.

15 We would urge that the history is there historically
16 to make a racial discrimination case and how it has
17 operated in the past. It is also operating in that
18 fashion now.

19 And under the totality of the circumstances, racial
20 exclusion by this process has been established and that
21 unlike the *Lockhart versus McCree* situation, this is a
22 situation where there is a exclusionary effect based on
23 race by virtue of death qualification, *Witherspooning* as
24 it were. And that under *Lockhart versus McCree* that
25 there should not be challenges for cause on the basis of
26 the responses with respect to *Witherspoon*. On the base
27 of racial discrimination, we would cite the Sixth and
28 Fourteenth Amendment to the United States Constitution to
29 that.

1 THE COURT: Response.

2 MR. EVANS: Sir.

3 THE COURT: I'll hear response.

4 MR. EVANS: Your Honor, we are strictly
5 following the law. I have not kept up with which ones --
6 I know there are numerous black and white jurors on the
7 questionnaires that did not believe in the death penalty.
8 A lot of them have already been struck for cause for
9 other reasons. But the number or who it is is just
10 depending on each individual jury.

11 And in this particular case, the ones in the
12 questionnaires that said they didn't believe in the death
13 penalty that have not already been struck for cause for
14 kinships or relationships or other things are the ones
15 that we are dealing with here. And they clearly have
16 stated under *Witherspoon* that they could not under any
17 circumstance consider the death penalty.

18 THE COURT: I heard arguments on motions a few
19 days ago. I am going to reaffirm those motions, and my
20 rulings on those motions. I don't think anything that
21 was brought out during voir dire was in any way, shape
22 form or fashion by anyone asking these questions for the
23 intent of causing more members of the black or
24 African-American race to be excused on this issue than
25 whites.

26 I do note for the record that there were more black
27 jurors than whites, by a good margin, nine, I believe, to
28 two, that are saying they can't consider the death
29 penalty. But I do not consider that there has been any

1 purposeful discrimination or any discrimination
2 whatsoever in the questioning process.

3 And I don't know if these -- if this is a
4 statistical anomaly or what the situation is. It may be
5 that some members of the African-American community are
6 just much more compassionate than some in the white
7 community.

8 I do not know what the reasoning behind it is, but I
9 do know that there has been no showing of any type
10 discrimination or discriminatory intent. And there,
11 also, I will note, are a number of African Americans left
12 on this jury panel even after this issue is considered.

13 So again, I'll overrule any motion and reaffirm the
14 motions heard on these issues pretrial.

15 And with that in mind, is there any objection --
16 with your objection on the other issue noted for the
17 record, is there any objection to Miss Cooley being
18 excused for cause?

19 MRS. STEINER: We agree that she answered the
20 *Witherspoon* question.

21 THE COURT: And Number 43.

22 MR. EVANS: State agrees.

23 THE COURT: Defense agree?

24 MR. DEGRUY: We agree.

25 MR. CARTER: Forty-three.

26 THE COURT: Right.

27 And 71. Miss Haynes. Do y'all agree on that one?

28 MR. EVANS: State agrees.

29 MR. DEGRUY: Yes, Your Honor.

1 THE COURT: And then Number 80, Miss Butts.
2 MR. EVANS: Yes, sir.
3 THE COURT: Y'all agree?
4 MR. DEGRUY: Yes, Your Honor.
5 THE COURT: And Miss Turner. Number 88.
6 State agree?
7 MR. EVANS: Yes, sir.
8 THE COURT: The defense.
9 MR. DEGRUY: Yes, sir.
10 THE COURT: And 99. Miss Corder. State agree?
11 MR. EVANS: Yes, sir.
12 THE COURT: And the defense.
13 MR. DEGRUY: Yes. Yes.
14 THE COURT: And then 100. Miss Purnell.
15 MR. EVANS: Yes, sir.
16 MR. DEGRUY: Yes, sir.
17 THE COURT: And then 133. Miss Thompson.
18 MR. EVANS: State agrees.
19 MR. DEGRUY: Yes, we agree.
20 THE COURT: One-thirty-eight. Townsend.
21 MR. EVANS: State agrees.
22 MR. DEGRUY: Defense agrees.
23 THE COURT: One-thirty-nine.
24 MR. EVANS: State agrees.
25 MR. DEGRUY: Defense agrees.
26 THE COURT: And Number 159. Mr. Haslett.
27 MR. EVANS: State agrees.
28 MR. DEGRUY: Defense agrees.
29 THE COURT: And those are all that I --

1 MR. HILL: Your Honor, we had -- State had two
2 more that we wanted to move to excuse for cause.

3 Number one is Juror 35. He is the juror that was
4 related to Jimmy Forrest. And when he was being
5 questioned about his relationship with him, that was his
6 uncle, about could he give -- could he treat his
7 testimony like the testimony of any other witness. And
8 he is the one that said that is my uncle, I would have to
9 give that a little bit more influence. That was on the
10 Court's questions.

11 THE COURT: Any response from the defense?

12 MRS. STEINER: Yes, Your Honor. The witness,
13 Mr. Forrest, is the only -- he has no knowledge of the --
14 he is not a fact witness. He has testified in the past
15 as, as a mitigation witness.

16 What Mr. Newman said was he might consider his
17 uncle's word over a stranger's. There is nothing to
18 indicate that what Mr. Jimmy Lee Forrest would be
19 testifying to would be contested in any way by any other
20 witnesses.

21 I don't even think Mr. Forrest was cross-examined by
22 the State with respect to the veracity of what he was
23 talking about or his truthfulness. And I think that is
24 the only thing Mr. Newman said. And it wasn't I would
25 believe him. And he also, in response to Mr. Carter's
26 questions, said that, you know, he wouldn't -- he
27 wouldn't believe him if it were patently obvious.

28 Hence, I don't think he is disqualified, no more
29 disqualified from serving as a juror than the numerous

1 jurors who in -- have expressed, you know, other kinds of
2 acquaintanceship with other witnesses. And I don't
3 believe he is at this point disqualified on the basis of
4 that response alone. It was very limited. It was his
5 uncle versus a stranger.

6 MR. EVANS: Your Honor, he specifically
7 answered to the Court and to the defense attorney that he
8 would believe his uncle over anyone he didn't know
9 automatically.

10 THE COURT: Well, I think --

11 MR. EVANS: This is a witness on whether or not
12 the defendant should get the death penalty. If he is up
13 here trying to keep him from getting the death penalty,
14 it is definitely a material witness.

15 THE COURT: I am going to allow him to be
16 questioned outside the presence of the other jurors. I
17 will reserve ruling on that one until he is heard
18 individually.

19 MR. EVANS: Your Honor, we also ask that Number
20 122 be struck for cause. He said that he could not judge
21 anyone.

22 THE COURT: I agree. I, I neglected to -- I
23 failed to see that one earlier. But I will allow that
24 one for cause, because he did say he could not
25 consider -- that he couldn't judge anybody for any
26 reason.

27 And while we are looking over ones for cause, does
28 the defense have any for cause?

29 I've, I've got a question about Number 117, Mr.

1 Bennett. He indicated he was a second cousin to Miss
2 Tardy, and he said he could be fair and impartial. But
3 I, I have got some doubt.

4 MR. EVANS: Your Honor, at this point in the
5 trial, there are a lot of people still on the jury panel
6 that are related to the defendant. So I think it's
7 premature.

8 THE COURT: I think Mr. Flowers has a fourth
9 cousin that's, that's on the panel. And fourth is a lot
10 further removed.

11 MR. CARTER: We trust the Court on this one,
12 Your Honor.

13 MRS. STEINER: Your Honor, I, I don't think the
14 -- we were not prepared to make all of the cause
15 challenges we would propose to make.

16 THE COURT: We will consider some of the others
17 tomorrow.

18 MR. EVANS: Your Honor, and this is more from
19 notes. Do you have on the death penalty issue in your
20 notes 160? I know on the questionnaire that, that juror
21 said that they were strongly against --

22 THE COURT: One-sixty has already been excused.

23 MR. EVANS: One-sixty has been excused.

24 THE COURT: Yes.

25 MR. EVANS: That is why I didn't have it
26 marked. Thank you.

27 THE COURT: Which jurors do we -- I think
28 Number 2 needs to be individually questioned. And I
29 think Number 35 does. And I will question the second

1 cousin individually, that being Number 117.

2 Which others do y'all feel would be necessary to
3 question individually?

4 MR. EVANS: Just a second. Let me flip through
5 here, Your Honor, to see if there are anymore.

6 MRS. STEINER: Excuse me, Your Honor, my chair
7 just died.

8 THE COURT: The wheel -- y'all see if you can
9 get the wheel fixed and maybe -- well, I don't see
10 another rolling chair right now.

11 BAILIFF MARILEE BROWNING: We can get one out
12 of the jury room.

13 THE COURT: Okay. If y'all will, find her
14 another chair.

15 MR. EVANS: Your Honor, while we are going
16 through this, I don't think I missed this. One of the
17 bailiffs brought to the Court's attention that Number 43
18 had an anxiety disorder.

19 THE COURT: That is one that has already been
20 excused on the death penalty question.

21 MR. EVANS: Okay.

22 MRS. STEINER: Your Honor, I, I would ask that
23 we ask, invite Juror 21, Mr. Evans' step-daughter's aunt
24 and 137.

25 THE COURT: Okay. Well, 21 on what issue?

26 MRS. STEINER: She is Mr. Evans'
27 step-daughter's aunt.

28 THE COURT: Okay.

29 (THE BAILIFF BROUGHT A CHAIR TO MRS. STEINER.)

1 MRS. STEINER: Thank you very much.

2 And question -- and Juror 137. We were somewhat
3 constrained in going into the kind of discussion it was.
4 And I think she should be met with individually to
5 determine whether or not this friendship might not be
6 disqualifying.

7 THE COURT: I agree on that one.

8 MR. HILL: Who was that?

9 THE COURT: Number 137. Miss Malone.

10 If I'm not mistaken, I believe she was excused for
11 cause in the November panel. So I think it would be
12 appropriate.

13 MRS. STEINER: I guess, Your Honor -- frankly,
14 Your Honor, I think on 21, I think that kind of close
15 kinship with a member of the prosecution's staff is a per
16 se exclusion. I can't imagine that it, it wouldn't
17 exclude you from most anything that had a conflict of
18 interest in it.

19 THE COURT: Well, I believe she said they are
20 not blood related at all.

21 MR. EVANS: That's right.

22 THE COURT: And Mr. Evans married her deceased
23 brother's widow. And so, you know, there is not any
24 kinship there.

25 MRS. STEINER: Well, then we would like to
26 discuss it further in chambers with them.

27 THE COURT: Are there any others that y'all
28 would like to...

29 MR. HILL: Can I have a minute?

1 MR. EVANS: Can you give us just a minute,
2 Judge?

3 THE COURT: Sure.

4 MR. CARTER: Your Honor.

5 THE COURT: Yes, sir.

6 MR. CARTER: Those people who -- the media
7 people who said that they heard something about the case,
8 will we be allowed to question those more specifically
9 about what, what they heard in individual voir dire?

10 THE COURT: I don't see any need to because
11 every one of them that has not been stricken for cause
12 has already said that it would not be a factor and they
13 would not consider things that they heard outside of the
14 courtroom.

15 And I think y'all acknowledged a couple of weeks ago
16 when we had some motions over here, that it was -- you
17 know, pretty much everybody on the panel was going to
18 have heard about the case. And actually, I was pleased
19 that there were a few people that did not -- had not
20 heard about the case.

21 But I, I don't see any real point in individually
22 questioning people that have already said that their
23 knowledge of the case would not affect them or be an
24 influence.

25 MR. EVANS: Your Honor, we would ask that we be
26 allowed to ask further questions of Juror Number 147,
27 specifically, in connection with the comments brought out
28 by defenses questioning of her comment about racial
29 comments that she had heard that made her leave out

1 crying.

2 THE COURT: I'll, I'll agree. I'll allow that
3 one to be questioned as well.

4 MR. CARTER: What number is she?

5 THE COURT: Number 147. Miss Smith.

6 MR. CARTER: One-forty-seven.

7 MR. DEGRUY: Your Honor, Juror Number 11 is -
8 let me make sure I have the right one, yeah - Mr. Pope.
9 He had -- he was a neighbor of Miss Tardy, a close friend
10 of the Rigbys, friends with the Stewarts.

11 And then when asked, when the question came up
12 today, about having heard anything about the case, he did
13 not indicate he had heard anything. I, I find that a
14 little hard to believe, and we would like to question him
15 individually.

16 THE COURT: Okay.

17 MR. CARTER: Your Honor, Number 41, she made a
18 comment that her husband was a kind of supervisor with
19 access to information that wasn't made public. I don't
20 know what it is she knows. Is it possible to question
21 her to find out --

22 THE COURT: I'll allow that one.

23 MR. CARTER: -- to the extent -- okay.

24 THE COURT: Any others from either side?

25 MR. EVANS: I don't think so, Your Honor. I
26 think that -- that's pretty much it.

27 THE COURT: Any others from the defense?

28 MRS. STEINER: I think we've got them all.
29 Everybody except the ones excused will be back in the

1 morning.

2 THE COURT: Well, what I'm -- what I'm
3 anticipating and my thinking is that we'll individually
4 question these jurors in the morning. And then I'll tell
5 everybody to be back at 10:30. And y'all will have
6 overnight to look at your notes.

7 And then we'll convene in the morning at 9:00 and
8 start going over the, you know, having the jury selection
9 process. And so y'all will have, you know, ample time,
10 both sides, to review the notes. That is what my intent
11 was. That is why I wanted to get rid of every -- I don't
12 say get rid of, but I wanted complete voir dire today, if
13 possible.

14 MRS. STEINER: I appreciate that, Judge. Could
15 you -- I've been -- not been taking systematic notes.
16 Could you recite the jurors that you are anticipating
17 talking to individually?

18 THE COURT: Number 2, 11, 21, 35, 41, 117, 137
19 and 147.

20 MRS. STEINER: Your Honor, the mother and son
21 relationship. I mean, the son got off a lovely one-liner
22 but I'm -- I -- they are far enough down numerically that
23 it is perfectly conceivable that both sides might have
24 exhausted their strikes by the time they were gotten to.
25 And I really think that perhaps the opportunity to talk
26 to each of them individually might be -- about whether --
27 about --

28 THE COURT: I think they both emphatically
29 stated that it was not going to be a factor at all in

1 them being -- you know, that they would absolutely judge
2 the case individually. And I didn't get the impression
3 there was any hesitation on either mother or son's part
4 to do anything other than judge it.

5 I mean we have got -- we have got a numerous number
6 of jurors that were related to somebody else the panel.
7 But I didn't have any of them that said anything other
8 than they would absolutely consider it independently of
9 any relative.

10 And I'll agree also, I don't know that we are even
11 going to get far enough to get either one of them.

12 If nothing else, I'm going to have the bailiffs
13 bring the jurors in. Then I'm going to excuse the ones
14 for cause first. And then I'll ask the others to stay
15 and then let most everybody else go.

16 (THE PROSPECTIVE JURORS RETURNED TO THE COURTROOM.)

17 THE COURT: Court will come to order. There
18 are several more from among your number I will be able to
19 excuse at this time.

20 So as your name is called, you are free to go, and
21 you are excused. Number 40, Angela Cooley. Number 43,
22 Ben Frank Sanders. Number 71, Patricia Ann Haynes.
23 Number 80, Joyce Ratliff Butts. Number 88, Dorothy
24 Turner. Number 99, Dianne Corder. Number 100, Linda
25 Purnell. Number 122, Benjamin Hemphill. Number 133,
26 Eulandia Thompson. Number 138, Channa Townsend. Number
27 139, Ruby Dumas. Number 159, Kendrick Haslett.

28 And ladies and gentlemen, I am going to -- there are
29 about -- let's see. One, two, three, four, five, six,

1 seven, eight of you that I am going to call your number
2 and ask you to stay around, because we want to ask you
3 additional questions outside the presence of everybody
4 else.

5 If your number is not called, you are free to go for
6 this day. And I'll ask you to be back at 10:30 in the
7 morning. At 10:30 in the morning it will be announced
8 who has been selected to serve on this jury.

9 So if you have not already prepared to stay, you
10 know, for a few days, then you might want to make sure to
11 have bags packed in case you are selected. I don't know
12 who will be selected and who will not be.

13 MRS. STEINER: Yes, Your Honor. May we
14 approach?

15 THE COURT: You may.

16 (MR. EVANS, MR. HILL, MR. DEGRUY, MRS. STEINER, MR.
17 CARTER AND THE DEFENDANT APPROACHED THE BENCH FOR THE
18 FOLLOWING BENCH CONFERENCE HAD OUTSIDE THE HEARING OF THE
19 PROSPECTIVE JURORS.)

20 MRS. STEINER: I apologize. I believe Venire
21 Man 157, there was some ambiguity that both the Court had
22 noted, and we did too about an answer. He is a friend of
23 the Rigbys.

24 THE COURT: I'll have him stay too just to make
25 sure or to get it clear for the record.

26 MRS. STEINER: Right. Thank you.

27 (THE BENCH CONFERENCE WAS CONCLUDED.)

28 THE COURT: So if -- as you -- if you will,
29 just those of you whose numbers I call, if you will

1 remain seated in the courtroom. Number 2. Number 11.
2 Number 21. Number 35. Number 41. Number 117. Number
3 137. Number 147 and 157.

4 If the remainder of you -- the remainder of you are
5 free to go. And again, please be back at 10:30 in the
6 morning.

7 Let me give you a caution though. Do not discuss
8 this case with anyone or among yourselves. You can't
9 talk to parties or witnesses about the case.

10 I do not want you to watch your -- any local news
11 broadcast about the case or listen to any radio broadcast
12 about it or read any newspaper articles about this case.

13 And again, if you will, come back at 10:30 in the
14 morning prepared to stay, because some of you will be
15 staying for a few days.

16 With that, ladies and gentlemen, those of you whose
17 number I did not call, you are free to go for the
18 evening.

19 And ladies and gentlemen, those of you that I've
20 asked to stay, if you will all just have a seat.

21 I guess, Miss Boles, we'll have you stay. You will
22 be the first one we will talk to.

23 If the remainder of you will step out and have a
24 seat in these chairs. We will be with you very shortly.
25 It is not going to take very long.

26 (ALL THE PROSPECTIVE JURORS, EXCEPT JUROR NUMBER 2,
27 RUTHIE BOLES, LEFT THE COURTROOM.)

28 THE COURT: Miss Boles, relax. We were -- we
29 were wanting to ask you a -- we were not really clear,

1 and we wanted to get very clear your position on the
2 death penalty.

3 I think I advised earlier when I was questioning you
4 that if the facts -- I, I was wanting to know if the
5 facts justified it and the law allowed it, if you could
6 consider the death penalty.

7 The situation is if the -- if it gets to that point,
8 if there is a guilty verdict, then the jury would
9 deliberate on the death penalty. And of course, if you
10 find that, that the death penalty should not be imposed,
11 then a life without parole sentence would be imposed by
12 the Court at that point.

13 But I want to know if you can consider the death
14 penalty as a sentencing option.

15 JUROR RUTHIE BOLES: No, I cannot.

16 THE COURT: So you can just absolutely not
17 consider it at all.

18 JUROR RUTHIE BOLES: (Shook head.)

19 THE COURT: And you've just got, I am sure some
20 religious views or beliefs about that; is that correct?

21 JUROR RUTHIE BOLES: No, it's not religious.

22 THE COURT: It is just a philosophy of life or
23 whatever that you just feel like the death penalty is not
24 something you should be deciding.

25 JUROR RUTHIE BOLES: If, if everything in favor
26 of the death penalty.

27 THE COURT: Well, the way it works is that I
28 will instruct you, if you were on the jury, there are
29 some aggravating factors that the Court would advise you

1 of to consider. And then there would be some mitigating
2 factors that the Court would tell you you could consider.

3 Aggravating would be factors why you should impose
4 the death penalty. Mitigating factors would be reasons
5 why you should not impose the death penalty. The State
6 would have to convince you that the aggravating factors
7 outweighed the mitigating factors before you --

8 MR. EVANS: The other way around, Your Honor.

9 THE COURT: Yeah, I'm sorry.

10 The -- anyway, if you found that the mitigating
11 factors were -- outweighed the aggravating factors, you
12 would not impose the death penalty. But my question is
13 just whether you could even get to the point where you
14 would even consider the death penalty.

15 JUROR RUTHIE BOLES: No.

16 THE COURT: So you could not consider it at
17 all.

18 JUROR RUTHIE BOLES: (Shook head.)

19 THE COURT: Okay. Does either side wish to ask
20 Miss Boles any questions?

21 MR. EVANS: No, sir.

22 MR. CARTER: I have one.

23 Miss Boles, do you understand that although you are
24 being asked if you can consider the death penalty, that
25 you are not restricted to just considering the death
26 penalty, that you can consider either life without
27 possibility of parole or the death penalty depending on
28 the aggravation and the mitigation?

29 So he asked you if you can consider the death

1 penalty. You are not being told that you have to vote
2 for the death penalty.

3 JUROR RUTHIE BOLES: I understand it.

4 MR. CARTER: Can you consider both equally?

5 JUROR RUTHIE BOLES: Right. Right. I can.

6 THE COURT: That is not what you just said
7 about two minutes ago; so you are not being consistent.
8 So I will -- you know, I'm kind of confused now. Are you
9 saying you will consider the death penalty?

10 JUROR RUTHIE BOLES: I will consider it.
11 Right.

12 THE COURT: Well, I mean are you saying you
13 will consider it but you are automatically not going to
14 impose it? Or are you just saying that you will look at
15 all the facts --

16 JUROR RUTHIE BOLES: At the facts.

17 THE COURT: -- and if the facts justify the
18 imposition of the death penalty, you could vote to impose
19 the death penalty?

20 JUROR RUTHIE BOLES: I would have to look at
21 the facts.

22 THE COURT: And if they justified it, you could
23 vote to impose the death penalty.

24 JUROR RUTHIE BOLES: Now you are confusing me.

25 THE COURT: Okay. If you looked at all the
26 facts that were presented in the sentencing phase, all
27 the aggravating factors and all the mitigating factors,
28 and after looking at those factors, you thought the death
29 penalty should be imposed, you are telling the Court you

1 could vote for the death penalty if you felt that was
2 appropriate sentence.

3 JUROR RUTHIE BOLES: Yes.

4 THE COURT: And, and you would not go in
5 automatically leaning one way or the other; is that
6 correct?

7 JUROR RUTHIE BOLES: No. Because I have my
8 own -- you know, can't nobody influence me into doing
9 something, you know, that I think is right.

10 THE COURT: Well, certainly. And we, we want
11 you to judge the case.

12 JUROR RUTHIE BOLES: According to the law, you
13 know.

14 THE COURT: Right. According to the law and
15 the facts of the case.

16 JUROR RUTHIE BOLES: Right.

17 THE COURT: And so you are not committed to
18 vote either way, but you will keep an open mind; is that
19 correct?

20 JUROR RUTHIE BOLES: I can vote either way.
21 Right.

22 THE COURT: Okay. State have any questions?

23 MR. EVANS: Yes, Your Honor.

24 All right. Miss Boles, is what you are telling us
25 that you can vote for the death penalty?

26 JUROR RUTHIE BOLES: Yes. Depending on, you
27 know, the facts. I hadn't been keeping up with this case
28 or anything like that and, you know, the evidence,
29 whatever or nothing like that. But like I say, I can

1 vote either way.

2 MR. EVANS: Well, about four or five different
3 times you said --

4 MR. CARTER: Your Honor, we object.

5 MR. EVANS: May I proceed, Your Honor?

6 THE COURT: I sustain the objection. You can
7 just ask. Don't get into any four or five times. You
8 just ask a direct question.

9 MR. EVANS: But you have stated that you don't
10 believe in the death penalty and you could under no
11 circumstances give the death penalty. What has changed
12 your mind here today?

13 JUROR RUTHIE BOLES: Like I say, I have to hear
14 the facts and whatever and, you know, make decision on my
15 own.

16 MR. EVANS: No further questions, Your Honor.

17 THE COURT: If you will, be back at 10:30 in
18 the morning, and we'll announce then who has been
19 selected for the jury. And thank you and have a good
20 evening.

21 JUROR RUTHIE BOLES: Thank you.

22 (JUROR RUTHIE BOLES LEFT THE COURTROOM.)

23 THE COURT: If y'all will, get James Edward
24 Pope.

25 MR. EVANS: Are we going to cover them as we
26 go, Your Honor, before another one comes in? Are we
27 going to cover each one before the other one comes in?

28 THE COURT: Well, if there is -- if there is
29 one -- I, I guess I'm not clear.

1 MR. EVANS: Wait one second.

2 Your Honor, again, we would ask that she be struck
3 for cause. I think she is definitely one in the category
4 that because of all her answers the Court can clearly say
5 that there is no way she can follow the law.

6 THE COURT: I think this --

7 MR. EVANS: Her integrity has definitely been
8 put in question.

9 THE COURT: I think this time she is
10 *Witherspoon* qualified. Certainly, I think there would be
11 plenty of grounds for peremptory challenges if the State
12 chooses to exercise one, but I don't think that is a
13 valid one for cause.

14 Mr. Pope.

15 (JUROR NUMBER 11, JAMES POPE, ENTERED THE COURTROOM.)

16 You can just have a seat on the front row there.

17 (JUROR JAMES POPE WAS SEATED.)

18 Mr. Pope, we -- in questioning yesterday I believe
19 you indicated that you were a neighbor of Miss Tardy's
20 and you knew Rigby from school and knew Mr. Stewart. And
21 I then I think today when we were asking questions, you
22 did not indicate that you had heard anything about the
23 case. So had you heard anything about it?

24 JUROR JAMES POPE: Everybody has heard. I
25 mean, you know, I hadn't denied nothing. I mean you've
26 heard everything. You just got to justify.

27 THE COURT: And having heard facts about the
28 case, will you lay any facts that you heard about the
29 case aside and base your decision only on the evidence

1 presented here in open court?

2 JUROR JAMES POPE: Yes, sir.

3 THE COURT: And would the fact that you were a
4 neighbor of the Tardys or knew the Rigbys or some of the
5 Stewarts, would that play a role or a factor at all in
6 you sitting as a fair and impartial judge -- juror?

7 JUROR JAMES POPE: No, sir.

8 THE COURT: Okay. Thank you.

9 Do y'all -- Mr. Evans, do you have any questions?

10 MR. EVANS: No questions.

11 MR. CARTER: Yes, sir. I have a couple of
12 them.

13 Mr. Pope, what you heard, have you formed an opinion
14 as to Mr. Flowers' guilt?

15 JUROR JAMES POPE: No.

16 MR. CARTER: And have you discussed this case
17 with Mr. Rigby?

18 JUROR JAMES POPE: With who?

19 MR. CARTER: With any of the Rigbys. Mr.
20 Rigby.

21 JUROR JAMES POPE: No.

22 MR. CARTER: No.

23 JUROR JAMES POPE: (Shook head.)

24 MR. CARTER: Now, when the judge asked for
25 those people to stand who has heard about the case, did
26 you stand? I'm trying to remember. Did you stand?

27 JUROR JAMES POPE: I don't think I did but, you
28 know, common knowledge. Everybody knew about that.

29 MR. CARTER: So you knew, but you didn't stand.

1 JUROR JAMES POPE: I did not stand. No, I did
2 not.

3 MR. CARTER: But you heard about it. You heard
4 about it how?

5 JUROR JAMES POPE: How did I hear about it?

6 MR. CARTER: Yes, sir.

7 JUROR JAMES POPE: It was all over the media,
8 all over town, I mean, you know.

9 MR. CARTER: So you heard about it from the
10 media. You heard about it through community gossip.

11 JUROR JAMES POPE: Gossip. Yeah. All over.

12 MR. CARTER: Did you hear about it from any
13 police officers?

14 JUROR JAMES POPE: Do what now?

15 MR. CARTER: Did you also hear about the case
16 or any facts about the case from any police officers or
17 law enforcement people?

18 JUROR JAMES POPE: No.

19 MR. CARTER: One moment.

20 No further questions.

21 THE COURT: Mr. Pope, you may go. If you will,
22 be back at 10:30 in the morning.

23 JUROR JAMES POPE: All right.

24 THE COURT: If y'all will, Miss McNeer. Number
25 21.

26 (JUROR JAMES POPE LEFT THE COURTROOM.)

27 (JUROR NUMBER 21, SHIRLEY MCNEER, ENTERED THE COURTROOM.)

28 THE COURT: If you will, just...

29 (JUROR SHIRLEY MCNEER WAS SEATED.)

1 Miss McNeer, we -- you had discussed out in front of
2 everyone, but we wanted to make sure again. Your -- Mr.
3 Evans, the prosecutor, is married to your brother's
4 widow.

5 JUROR SHIRLEY MCNEER: That's correct.

6 THE COURT: And then he had a niece -- I mean
7 he had a daughter with --

8 JUROR SHIRLEY MCNEER: My niece was three years
9 old --

10 THE COURT: Okay.

11 JUROR SHIRLEY MCNEER: -- when Doug and Patsy
12 married. He adopted her and raised her.

13 THE COURT: Okay. So do you have some kind of
14 association with Mr. Evans or through that relationship
15 that would influence or be a factor at all in being a
16 fair juror in this case?

17 JUROR SHIRLEY MCNEER: It would not affect my
18 being a fair juror, no.

19 THE COURT: So you'll base the decision on the
20 evidence presented and not on who's presenting the
21 evidence.

22 JUROR SHIRLEY MCNEER: That's correct. Yes,
23 sir. Yes, sir.

24 THE COURT: And I think you knew the Rigbys and
25 some of the other individuals that were the victims. And
26 would the fact that you know any of them influence you or
27 be a factor at all?

28 JUROR SHIRLEY MCNEER: No, sir, it wouldn't.

29 THE COURT: And do you have any reason at all

1 why you can't be a fair and impartial juror to both
2 sides?

3 JUROR SHIRLEY MCNEER: I do not have any reason
4 to not be able to be fair.

5 THE COURT: Okay. Does the defense,
6 prosecution have any questions?

7 MR. EVANS: No questions from the State.

8 MRS. STEINER: Miss McNeer.

9 JUROR SHIRLEY MCNEER: Yes, ma'am.

10 MRS. STEINER: I, I -- part of the reason we
11 are asking privately is because -- well, I have -- my, my
12 step-daughter's mother is my husband's ex-wife, but we
13 are actually very close friends as a consequence of
14 being -- co-parenting, even though sometimes ex's aren't
15 friends.

16 And I guess the question I would have is if you were
17 on this jury and you decided that a not guilty verdict
18 was appropriate or you may have decided to vote guilty
19 but even though your niece's dad is standing up there
20 asking this jury to impose a death sentence, your
21 reasoned moral judgment would be to impose a life
22 sentence, if, if either you voted not guilty or imposed a
23 life sentence if you'd found him guilty, the next time
24 you saw your niece and she said aunt, why, why did you
25 vote against my daddy, I mean could you really, honestly
26 feel completely comfortable if your niece said why did
27 you vote against my daddy?

28 JUROR SHIRLEY MCNEER: I don't think my niece
29 would do that. She is 37 years old, and I don't think it

1 would be discussed in that context within the family.
2 That is just not the way that they do.

3 MRS. STEINER: Have you discussed this case
4 with, with her?

5 JUROR SHIRLEY MCNEER: No.

6 MRS. STEINER: I mean, she is a grown woman
7 now. That's, that's -- I mean if it was just a little
8 girl, I wouldn't even ask you the question. But you have
9 not discussed this --

10 JUROR SHIRLEY MCNEER: No. We have not
11 discussed this. She -- no. In fact, I don't see her
12 that often anymore. I have two children. She lives in
13 Webster County now. I don't see her that often anymore.

14 MRS. STEINER: Thank you.

15 THE COURT: Anything?

16 JUROR SHIRLEY MCNEER: Thank you.

17 MR. EVANS: Not from the State.

18 THE COURT: Miss McNeer, you can go at this
19 time. If you will, be back at 10:30 in the morning.

20 JUROR SHIRLEY MCNEER: Yes, sir. Thank you so
21 much.

22 (JUROR SHIRLEY MCNEER LEFT THE COURTROOM.)

23 THE COURT: We need Number 35, Mr. Newman.

24 (JUROR NUMBER 35, MOSES NEWMAN, ENTERED THE COURTROOM.)

25 THE COURT: If you will, just have a seat just
26 for a minute, Mr. Newman. It is not going to take long.

27 (JUROR MOSES NEWMAN WAS SEATED.)

28 Mr. Newman, during earlier questioning I think we
29 had brought out the possibility that your uncle, I

1 believe, is, is Joe Forrest; is that correct?

2 JUROR MOSES NEWMAN: Jimmy.

3 THE COURT: Jimmy Forrest. I'm sorry. I can't
4 read my own writing. Jimmy Forrest would possibly be a
5 witness in this case, and you had indicated that you
6 would feel compelled to, you know, accept his testimony,
7 because he was your uncle. Do you still feel that way?

8 JUROR MOSES NEWMAN: Not anymore.

9 THE COURT: So can you just consider his
10 testimony just like you would the testimony of anybody
11 else in the case?

12 JUROR MOSES NEWMAN: Yes, sir.

13 THE COURT: And the fact that he is your uncle,
14 would that be a factor at all in you being a fair and
15 impartial juror?

16 JUROR MOSES NEWMAN: No, sir.

17 THE COURT: And I understand that Mr. Forrest,
18 your uncle, would only testify -- and let me back up and
19 explain this again. I think it is clear, but I want to
20 make it clear again to you.

21 In this type case there is two phases to the trial,
22 possibly two phases. First phase, you decide the guilt
23 or innocence of Mr. Flowers. The second phase would only
24 come into play if you found Mr. Flowers guilty, and that
25 would be the sentencing phase.

26 And I understand your uncle would not be called in
27 to testify until the sentencing phase. And I think at
28 that point he would be testifying that he thought for
29 some reason or another there was mitigating circumstances

1 and that you should not impose the death penalty upon Mr.
2 Flowers because of that.

3 And if your uncle testified that he thought Mr.
4 Flowers should be spared or should not get the death
5 penalty, would you feel like you had to agree with your
6 uncle because that was his view? Or would you judge it
7 independently and not have that be a factor?

8 JUROR MOSES NEWMAN: I would judge it
9 independently, sir.

10 THE COURT: And that would not be a factor at
11 all, the fact that he is your uncle; is that correct?

12 JUROR MOSES NEWMAN: Yes, sir.

13 THE COURT: Okay. Does either side have any
14 questions?

15 MR. EVANS: One moment, Your Honor.

16 I want to kind of do a combination of two areas.

17 One, there was the issue of whether or not you
18 believed in the death penalty.

19 JUROR MOSES NEWMAN: Yes, sir.

20 MR. EVANS: But considering that this is a
21 death penalty case, with your beliefs, whatever they are
22 against the death penalty, and knowing that your uncle is
23 going to be testifying that the defendant should not get
24 the death penalty, could you give the death penalty if
25 the facts were appropriate?

26 JUROR MOSES NEWMAN: Yes, sir.

27 MR. EVANS: Nothing further, Your Honor.

28 THE COURT: Anything from the defendant?

29 MR. CARTER: Nothing, Your Honor.

1 THE COURT: Mr. Newman, if you will, be back at
2 10:30 in the morning. I hope you have a good evening. I
3 appreciate you staying a little late and answering these
4 additional questions.

5 JUROR MOSES NEWMAN: Thank you, sir.
6 (JUROR MOSES NEWMAN LEFT THE COURTROOM.)

7 THE COURT: I am trying to remember now why it
8 was Number 41...

9 MR. DEGRUY: She had mentioned -- she mentioned
10 that her husband was a former supervisor, and she had
11 some private information.

12 THE COURT: No. No. That is not going to be
13 the right one.

14 This is Number 41. Her first husband was law
15 enforcement officer in Alabama and died in the line of
16 duty. And, and her husband is a nurse out at the Carroll
17 Montgomery Correctional Facility.

18 MR. HILL: Former supervisor. The former
19 supervisor in this county.

20 THE COURT: Her husband former supervisor in
21 this county. Okay.

22 MR. HILL: Well, I just ---

23 THE COURT: Okay. Okay. Then let's bring her
24 in. Yeah. Okay.

25 MR. HILL: That's what she said.

26 THE COURT: Okay. I see that note now. I was
27 thinking I was confused, but I appreciate -- everybody
28 taking notes very much helps.

29 (JUROR NUMBER 41, JOYCE HENSON, ENTERED THE COURTROOM AND

1 WAS SEATED.)

2 Miss Henson, I believe during previous questioning
3 you had said your husband was a former supervisor in this
4 county, and that he had acquired some facts about the
5 case that were not known to the general public.

6 JUROR JOYCE HENSON: (Nodded.)

7 THE COURT: And can you share with us anything
8 that you might have heard about the case?

9 JUROR JOYCE HENSON: I really do not know any
10 particulars. I mean he may have said something, you
11 know, in conversation. But I would not have any -- I
12 don't -- I was not living here at the time that this
13 occurred. And I really had no specific interest in it,
14 you know, in the occurrence, other than I was just sorry
15 it had occurred.

16 But, you know, as to having any major discussions
17 about the case, he and I have never had any discussions
18 about the case. I don't really remember anything other
19 than when he started working at the correctional facility
20 I became aware that Mr. Flowers was a inmate and that he
21 was seeing him on a regular basis and providing medical
22 care.

23 As to whether anything was specifically said, I just
24 don't remember. And I wouldn't have any knowledge of
25 whether it was public knowledge or not.

26 THE COURT: Okay. Well, has anything that you
27 have heard caused you to form an opinion as to Mr.
28 Flowers' guilt or innocence?

29 JUROR JOYCE HENSON: No, sir.

1 THE COURT: And, and would anything you have
2 heard play a factor in you deliberating in this case?

3 JUROR JOYCE HENSON: No, sir.

4 THE COURT: And can you lay anything you heard
5 aside and base your decision only on the evidence
6 presented here in court?

7 JUROR JOYCE HENSON: Yes, sir.

8 THE COURT: And the fact that your husband is a
9 nurse at the correctional facility, would that be a
10 factor at all in you -- in you being a fair juror in this
11 case?

12 JUROR JOYCE HENSON: No, sir.

13 THE COURT: Anybody have any questions?

14 MR. EVANS: None from the State.

15 MR. CARTER: (Shook head.)

16 MRS. STEINER: None. You covered it.

17 THE COURT: Miss Henson, I appreciate you
18 staying late. You may go. And if you would, be back at
19 10:30 in the morning.

20 (JUROR JOYCE HENSON LEFT THE COURTROOM.)

21 We need Number 117, Mr. Bennett.

22 (JUROR NUMBER 117, JOHN BENNETT, ENTERED THE COURTROOM.)

23 THE COURT: If you will, have a seat just for a
24 second, Mr. Bennett.

25 (JUROR JOHN BENNETT WAS SEATED.)

26 THE COURT: Mr. Bennett, did you -- I believe
27 you testified yesterday that you were a second cousin of
28 Bertha Tardy.

29 JUROR JOHN BENNETT: I am.

1 THE COURT: Is that correct?

2 JUROR JOHN BENNETT: Yes, sir.

3 THE COURT: And would the fact that she is
4 murdered and you a cousin of hers influence you or be a
5 factor in you being a fair and impartial juror in this
6 case?

7 JUROR JOHN BENNETT: No, sir.

8 THE COURT: If you were to find Mr. Flowers not
9 guilty in this case, and you were to see some of your
10 other relatives, would you feel ill at ease being around
11 them or feel like you owed them some kind of explanation
12 for how you had ruled or anything like that?

13 JUROR JOHN BENNETT: No, sir.

14 THE COURT: So are you saying that this kinship
15 will not be a factor at all in you being a fair and
16 impartial juror?

17 JUROR JOHN BENNETT: It will not be.

18 THE COURT: And can you lay aside any
19 information you have heard about the case and base your
20 decision only on the evidence that is presented here in
21 court?

22 JUROR JOHN BENNETT: Yes, sir.

23 THE COURT: Okay. And how often during your --
24 during her lifetime did y'all run into each other?

25 JUROR JOHN BENNETT: It was very distant. Her
26 daddy and I attended some auctions together. I actually
27 never was around Bertha a whole lot.

28 We got married in '68, me and my wife. We actually
29 bought furniture from them then. But that is -- I think

1 that was before she become a Tardy. I think she was
2 still a Bennett then.

3 THE COURT: After that did y'all really have
4 any occasion to really be around each other?

5 JUROR JOHN BENNETT: No, sir. No, sir.

6 THE COURT: Okay. Thank you.

7 And does either side have any questions?

8 MR. EVANS: No, sir.

9 MR. CARTER: I have just one.

10 Have you discussed the case with Roxanne Ballard?

11 JUROR JOHN BENNETT: I don't even know Roxanne
12 Ballard.

13 MR. CARTER: Thank you.

14 THE COURT: Mr. Bennett, you may go. If you
15 will, be back at 10:30. And I appreciate you staying a
16 little late today.

17 Linda Malone. 137.

18 (JUROR JOHN BENNETT LEFT THE COURTROOM.)

19 (JUROR NUMBER 137, LINDA MALONE, ENTERED THE COURTROOM.)

20 THE COURT: Miss Malone, you had indicated
21 earlier that you had had some conversation with Miss
22 Ballard, and we didn't want you to discuss that out in
23 front of everybody. And so what kind of conversations or
24 can you kind of give us a little detail now about these
25 conversations?

26 JUROR LINDA MALONE: She had told me that John
27 Johnson had said something about the -- about him.

28 THE COURT: About Mr. Flowers?

29 JUROR LINDA MALONE: Right. About Mr. Flowers.

1 And basically, it was just that he could murder somebody
2 and eat cornflakes at the breakfast table.

3 THE COURT: And how did that -- what impact did
4 that have on you?

5 JUROR LINDA MALONE: Well, I really don't know
6 him. So other than that conversation, none.

7 THE COURT: And would that come into play at
8 all if you were sitting as a juror in this case?

9 JUROR LINDA MALONE: No, sir.

10 THE COURT: And can you lay aside your
11 friendship with Miss Ballard and base your decision only
12 on the evidence presented here in court?

13 JUROR LINDA MALONE: Yes, sir. I wasn't here
14 at the time of this at all.

15 THE COURT: Well, is that when you were living
16 in Jackson?

17 JUROR LINDA MALONE: Hattiesburg.

18 THE COURT: Hattiesburg. Okay. So you moved
19 here after 1996.

20 JUROR LINDA MALONE: Right. I have only been
21 here six years.

22 THE COURT: Okay. And has anything that you've
23 heard through Miss Ballard or anyone else caused you to
24 form an opinion as to the guilt or innocence of Mr.
25 Flowers?

26 JUROR LINDA MALONE: No, sir.

27 THE COURT: And can you lay aside any
28 information that you might have heard from any source and
29 base your decision only on the evidence that is presented

1 here in court?

2 JUROR LINDA MALONE: Yes, sir.

3 THE COURT: Does either side have any
4 questions?

5 MR. EVANS: None from the State.

6 MR. CARTER: I have just one.

7 You say you lived in Petal.

8 JUROR LINDA MALONE: Uh-huh. No. I worked in
9 Hattiesburg.

10 MR. CARTER: And how long were you in --

11 JUROR LINDA MALONE: For like ten years.

12 THE COURT: Miss Malone, I appreciate you being
13 here. If you will, be back at 10:30 in the morning.

14 JUROR LINDA MALONE: Okay.

15 THE COURT: Number 147. Miss Smith.

16 (JUROR LINDA MALONE LEFT THE COURTROOM.)

17 (JUROR NUMBER 147, JAMITA SMITH, ENTERED THE COURTROOM.)

18 THE COURT: Miss Smith, if you will, come
19 around and have a seat.

20 JUROR JAMITA SMITH: Yes, sir.

21 (JUROR JAMITA SMITH WAS SEATED.)

22 THE COURT: Miss Smith, there was -- you were
23 responding to some questions and indicated something
24 along the lines that you had had some people make some
25 racially charged comments to you that had affected you or
26 actually brought you to tears, I think.

27 JUROR JAMITA SMITH: Yes, sir, it did.

28 THE COURT: Now, what happened? And, and when
29 did that happen?

1 JUROR JAMITA SMITH: It happened yesterday. I
2 was sitting back there, like that fourth row. And the
3 people, they were sitting back there where the -- in the
4 last two rows where the young ladies -- the two young
5 ladies with the glasses were.

6 THE COURT: Right.

7 JUROR JAMITA SMITH: And they were sitting back
8 there. And basically -- no, no, no. Miss McClurg was
9 sitting right there.

10 THE COURT: Who?

11 JUROR JAMITA SMITH: Can, can I point it out,
12 please?

13 THE COURT: Well, who? I didn't hear who you
14 had said.

15 JUROR JAMITA SMITH: Mr. Blueitt, the man that
16 had the stroke. He had got dismissed. He was sitting --
17 well, I'll just demonstrate. This is the back row. Mr.
18 Blueitt was sitting -- this is the back row. Mr. Blueitt
19 was sitting right here. The people that was in that row
20 where the young lady is in the black shirt or whatever,
21 they were all lined up right there. And then it was one
22 in that third row right there.

23 And I'm sitting right there on the end. And they
24 said -- I don't want to lie so I am going to repeat it
25 word-for-word. I don't know their names. Like I said --

26 THE COURT: Well, I want you to repeat it
27 word-for-word.

28 JUROR JAMITA SMITH: Okay.

29 THE COURT: I mean I know you might not like

1 certain language, and I don't either. But I think it is
2 important for the record that you state exactly what you
3 heard and...

4 JUROR JAMITA SMITH: Yes, sir. Well, basically
5 one gentleman started off it's about time -- well, they
6 need to cut this b.s., because this n-word done killed
7 four, four of our kind, not to mention how many other
8 n-words he done killed.

9 And then when Mr. Blueitt stood up, they start
10 talking about him, not knowing that he had a stroke or
11 whatever. And talking about look at this dumb n-word.
12 He's -- he don't know what he's talking about. He can't
13 even talk right.

14 It was just a bunch of, you know, ill-mannered
15 remarks that touched me personally, because I'm not from
16 down here, as I stated before. And I just don't like
17 that. I'm just going to be honest. It is no other way
18 to put it. It got me nervous about it, talking about it
19 right now. Because this is not the first encounter I
20 have had with racism since I have moved to Winona.

21 THE COURT: And who, who was it that made this
22 comment?

23 JUROR JAMITA SMITH: I don't know their name,
24 sir. It was --

25 THE COURT: Was it somebody that was on the
26 jury or somebody --

27 JUROR JAMITA SMITH: Yes. Like I said, they
28 are still here. They are not here now, and they are not
29 present.

1 THE COURT: I mean were they excused from the
2 panel already?

3 JUROR JAMITA SMITH: No, sir. It is some of
4 them still remaining, sir.

5 THE COURT: Excuse me.

6 JUROR JAMITA SMITH: Some of them still
7 remaining here, sir.

8 THE COURT: Well, how many people were talking?

9 JUROR JAMITA SMITH: Okay. Mr. Blueitt and
10 another gentleman. Then one, two, three, four. It was
11 about, like, four or five people.

12 THE COURT: And where were they sitting?

13 JUROR JAMITA SMITH: This was before you gave
14 everybody the numbers.

15 THE COURT: I mean did this happen yesterday?

16 JUROR JAMITA SMITH: Yes, sir. It was before
17 you gave everybody the numbers.

18 THE COURT: So was this like I -- what, what
19 did -- you came in, I believe -- what time did you come
20 in?

21 JUROR JAMITA SMITH: First I came in my paper
22 told me to be here at 9:00, but then Miss -- the clerk
23 told me that I supposed to -- I'm in for 10:45. So I was
24 here with the 10:45 group.

25 THE COURT: Okay. So was this while y'all were
26 all together in the 10:45 group?

27 JUROR JAMITA SMITH: Yes, sir, it was.

28 THE COURT: And four or five people.

29 JUROR JAMITA SMITH: Yes, sir.

1 THE COURT: Okay. Now, is that going to be a
2 factor or influence you in being a fair and impartial
3 juror in this case?

4 JUROR JAMITA SMITH: No, sir, it is not.

5 THE COURT: And so if you had to sit in this
6 case, that is not going to influence you at all.

7 JUROR JAMITA SMITH: No, it is not. Another
8 person's ignorance doesn't change my mind.

9 THE COURT: Well, would the fact that you have
10 got some people that are making comments like that cause
11 you to favor Mr. Flowers' side just because you do have
12 --

13 JUROR JAMITA SMITH: No, sir.

14 THE COURT: -- some ignorance out there?

15 JUROR JAMITA SMITH: No, sir. Because then I
16 would be a hypocrite.

17 THE COURT: So is -- are you going to judge the
18 case independently and not --

19 JUROR JAMITA SMITH: Independently.

20 THE COURT: -- and not let this incident
21 influence you at all?

22 JUROR JAMITA SMITH: And with my own mind.

23 THE COURT: If the facts show he is guilty, you
24 will vote guilty. If the State does not show him guilty,
25 you will vote not guilty. Is that correct?

26 JUROR JAMITA SMITH: Correct, sir.

27 THE COURT: And on the death penalty question,
28 if the facts justify it and the law allows it, could you
29 consider the death penalty?

1 JUROR JAMITA SMITH: Yes, sir, I could.

2 THE COURT: And you would also consider life
3 without parole.

4 JUROR JAMITA SMITH: Yes, sir, I could.

5 THE COURT: And so you are open-minded on those
6 options; is that correct?

7 JUROR JAMITA SMITH: Yes, sir. I am
8 open-minded to everything, sir.

9 THE COURT: And do you have anything at all
10 that would come into play that would affect you in being
11 a fair and impartial juror in this case?

12 JUROR JAMITA SMITH: No, sir.

13 THE COURT: Does either side have any
14 questions?

15 MR. EVANS: Very briefly, Your Honor.

16 And I guess the only thing that I want to cover with
17 you, I want to make sure - you said that it, it did make
18 you nervous, and you left out crying.

19 JUROR JAMITA SMITH: Yes, sir.

20 MR. EVANS: Do you think that that would enter
21 into your thought process if you were picked as a juror?

22 JUROR JAMITA SMITH: No, sir, it wouldn't.

23 MR. EVANS: And --

24 JUROR JAMITA SMITH: Can I say something?

25 MR. EVANS: Sure.

26 JUROR JAMITA SMITH: Even though it is a few
27 folks out here that is ignorant, I still don't judge a
28 person because of how they were brought up or what they
29 may have experienced with another person of color. I

1 don't do that. I don't judge one group just by what a
2 few people do. That is not in my mentality.

3 MR. EVANS: And if you were picked as a juror,
4 you would listen to the evidence and base your decision
5 --

6 JUROR JAMITA SMITH: Yes, sir, I sure would.

7 MR. EVANS: -- only on the evidence.

8 JUROR JAMITA SMITH: Yes, sir, I sure would.

9 MR. EVANS: Nothing further, Your Honor.

10 THE COURT: Thank you, Miss Smith, for staying
11 late. If you will, be back at 10:30 in the morning.

12 JUROR JAMITA SMITH: Okay. No problem. I just
13 been bringing my clothes up here every day. I walk up
14 here. And they are outside. I just been bringing them
15 back and forth.

16 THE COURT: I appreciate the effort you are
17 making to be here.

18 JUROR JAMITA SMITH: Yes, sir.

19 THE COURT: I truly do.

20 JUROR JAMITA SMITH: Y'all have a --

21 THE COURT: And you will be announced tomorrow
22 whether you are on the panel or not, so tomorrow you will
23 either be seated or be allowed to go.

24 JUROR JAMITA SMITH: Okay. Thank you. Have a
25 --

26 BAILIFF: Leave your number.

27 (JUROR JAMITA SMITH LEFT THE COURTROOM.)

28 THE COURT: And if you will, get Number 157,
29 Mr. Tompkins.

1 MR. DEGRUY: Your Honor, we, we have -- before
2 we bring in the last juror, we have a couple of motions
3 to make. The jurors were coming in and out so fast we
4 didn't have an opportunity to do this.

5 Juror Number 11 who stated that -- who, who knew the
6 Stewarts, the Rigbys and the Tardys did not answer when
7 asked directly on voir dire. Only when we brought him in
8 here he said oh, yeah, I have heard a lot about the case,
9 just like everyone around him. And he had failed to
10 answer direct questions on voir dire.

11 We would ask that he be struck for that failure to,
12 to answer until we brought him in here individually and
13 directly confronted him with his failure to answer a
14 question.

15 THE COURT: I think he has answered it now. He
16 explained why he did not answer it. I don't think that
17 is a strike for cause. It certainly would be a valid
18 ground for peremptory challenge.

19 And I'll note we've had a number of people that
20 didn't answer their questionnaires completely that we had
21 to go into detail with them. I asked a number of people
22 that did not respond on questionnaires. So he is not the
23 only instance on the panel of someone that did not give a
24 complete answer. And that is why we kept him to
25 individually question him.

26 And again, I think that would certainly be a valid
27 peremptory challenge if you choose to exercise one on
28 that ground.

29 MR. DEGRUY: The next one, Your Honor, is Juror

1 Number 137, Miss Malone. She has spoken to Roxanne
2 Ballard, who is a State's witness both at the guilt
3 phase, but also in the sentencing phase. She has
4 testified in every trial. We expect she will testify
5 again.

6 The, the information that this juror got from Miss
7 Ballard that was said to have come directly from the
8 district attorney's office that goes -- is best described
9 as anti-remorse evidence. This person could kill and
10 then eat a bowl of cornflakes.

11 That information she has, that can't be -- that, in
12 fact, came from a State witness would have been improper
13 coming -- it would be improper to let her sit on this
14 jury. There is no way to take that out of her head. She
15 he has heard it.

16 It's, it's, it's not -- it is essentially
17 non-statutory aggravation. And considering what she
18 believes the source of this information to be, it
19 wouldn't be proper to let her sit on this jury.

20 MR. EVANS: She has clearly said that that
21 would not affect her at all. She was emphatic about the
22 fact that it would not affect her. She would not even
23 consider it and base her decision strictly on the
24 evidence. Every prospective juror out there has heard
25 things both ways on this case already.

26 THE COURT: Well, I am going to be consistent
27 with my colleague from November. Judge Morgan heard this
28 same type information, he allowed that one for cause at
29 that time. And in fact, I read the transcript where she

1 actually mentioned the same incident concerning
2 cornflakes. And she did hear that statement from someone
3 that is on the prosecution's staff. And so I am going to
4 allow that one for cause.

5 Now, she is going to be coming in like everybody
6 else in the morning, but that will be one that will be
7 allowed and will be stricken for cause.

8 MR. DEGRUY: Your Honor, our final motion is
9 based on the testimony that was just given by Juror
10 Number 147. She did not -- we don't know which jurors
11 these are. But based on her testimony, there are jurors,
12 prospective jurors, still sitting on this jury who
13 clearly have prejudged the case and have not come forward
14 with that information. And it's in the form of
15 prejudice. It is racial bias.

16 And based on that -- I, I -- the only motion we can
17 make is motion for mistrial and to quash this jury panel.

18 MR. EVANS: Your Honor, we don't even know if
19 any of that is true. There were bailiffs in the
20 courtroom. There were other people in the courtroom.
21 Nobody apparently heard that except for somebody that was
22 sitting up close to the front, just happened to hear four
23 or five people in the back talking. That just does not
24 sound practical to me.

25 THE COURT: Well, I question sincerely the
26 credibility of this witness. She has at different times
27 just popped up during voir dire and stood up and started
28 running her mouth about different things. And you know,
29 I mean, I have got, Good Lord, I don't even know how many

1 notations I've written in my notes about different things
2 that she has said.

3 I find it interesting she couldn't recall the
4 details of any individual that had said anything. And
5 again I, I do not find her to be credible in what she was
6 saying. All the panel was asked as a whole if they could
7 consider -- if racial prejudice would come into play.
8 Every single one of them that were sitting out there said
9 it would not come into play.

10 You know, this, what I believe to be imaginary
11 statement she is talking about, is not worthy of granting
12 a mistrial. So I will deny a mistrial motion.

13 And I'll -- we will get now Mr. Tompkins, 157.

14 (JUROR NUMBER 157, DANNY TOMPKINS, ENTERED THE
15 COURTROOM.)

16 THE COURT: If you will, have a seat there just
17 a second, Mr. Tompkins.

18 (JUROR DANNY TOMPKINS WAS SEATED.)

19 You are in law enforcement; is that correct?

20 JUROR DANNY TOMPKINS: Yes, sir.

21 THE COURT: And would the fact that you are in
22 law enforcement influence you or be a factor at all in
23 you being a fair and impartial juror in this case?

24 JUROR DANNY TOMPKINS: No, sir.

25 THE COURT: And if you were to rule against the
26 State's side finding Mr. Flowers not guilty, would you
27 feel you owed anybody in law enforcement any explanation
28 for how you had ruled or feel like you had to, you know,
29 be ill at ease around anybody in law enforcement?

1 JUROR DANNY TOMPKINS: No, sir.

2 THE COURT: And I believe you knew the Rigbys
3 and some of the victims in this case. And would any of
4 those factors come into play or influence you in any way?

5 JUROR DANNY TOMPKINS: No, sir.

6 THE COURT: And is there anything at all that
7 would keep you from being a fair and impartial juror in
8 this case?

9 JUROR DANNY TOMPKINS: Nothing.

10 THE COURT: Either side have any questions?

11 MR. EVANS: None from the State, Your Honor.

12 MRS. STEINER: Yes, Your Honor.

13 Mr. Tompkins, did, did you say that you are kin with
14 Mr. Thornburg, who is likely to be a --

15 JUROR DANNY TOMPKINS: No, ma'am.

16 MRS. STEINER: -- witness. Okay. You know --
17 you are acquainted with him from being a fellow law
18 enforcement officer.

19 JUROR DANNY TOMPKINS: Yes, ma'am.

20 MRS. STEINER: Has it -- that's the -- he is
21 going to be -- he is likely to be a witness here. Would
22 you be able to consider his testimony as a law
23 enforcement officer with -- I mean would you be more
24 inclined to believe his testimony if it were disputed by
25 someone else over what someone disputed it?

26 MR. EVANS: I don't think that is the proper
27 form of that question, Your Honor.

28 MRS. STEINER: I think it is the questions he
29 was asking.

1 THE COURT: You can ask it.

2 JUROR DANNY TOMPKINS: I mean no.

3 MRS. STEINER: Okay. And that goes without
4 saying, even though you are generally acquainted with
5 multiple law enforcement officers who may be testifying.

6 JUROR DANNY TOMPKINS: That's correct.

7 MRS. STEINER: Thank you.

8 THE COURT: Mr. Tompkins, if you will, be back
9 at 10:30 in the morning, and you are free to go at this
10 time.

11 Mrs. Steiner, you may have been looking at -- he, he
12 is the first cousin to a former sheriff that lived and
13 worked here. Robert Tompkins was the sheriff about two
14 or three sheriffs ago. I didn't know if you probably
15 just wrote former sheriff.

16 MRS. STEINER: Yes. And I apologize.

17 THE COURT: No. That is fine. I just -- I
18 thought that is probably what you had in mind.

19 MRS. STEINER: It was in my column.

20 THE COURT: Counsel, if you will, be present in
21 the courtroom at 9:00 in the morning. We will go through
22 the jury selection process at that time. We will seat a
23 jury at 10:30. Then we will be ready to hear your
24 opening statements as soon as the jury is seated.

25 MR. CARTER: Your Honor, do you have any policy
26 on Saturday in case we happen to finish?

27 THE COURT: I am going to play it by ear. I
28 just -- I will probably, because of the jury being
29 sequestered, will probably at least have court for part

1 of the day on Saturday. Because, you know, I, I just
2 feel like that is probably what the jury would do. But
3 we will re-evaluate that nearer to the time.

4 We will be in recess until the morning.

5 (THE PROCEEDING ON THIS DATE WAS CONCLUDED.)
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COURT REPORTER'S CERTIFICATE

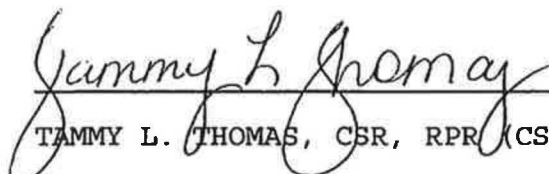
STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

I, Mrs. Tammy L. Thomas, Official Court Reporter for the Fifth Circuit Court District of the State of Mississippi, do hereby certify that the foregoing 395 pages are a true, correct, complete and full transcription of my stenotype notes and tape recording taken in this matter, and that I have transcribed the same to the best of my skill and ability.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript and electronic disks. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control or direction.

This the 13th day of February, 2009.


TAMMY L. THOMAS, CSR, RPR (CSR NO. 1304)
OFFICIAL COURT REPORTER
1882 Russell Road
Noxapater, Mississippi 39346

EXHIBITS B - K SEALED

**IN LOCKED CABINET
IN CLERK'S OFFICE**



THE LAW OFFICE OF

ROBERT B. MCDUFF

ATTORNEYS:

ROBERT B. MCDUFF

SIBYL C. BYRD

767 NORTH CONGRESS STREET • JACKSON, MISSISSIPPI 39202

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RBM@MCDUFFLAW.COM

SCB@MCDUFFLAW.COM

June 4, 2009

Lanelle Martin, Circuit Clerk
Montgomery County Circuit Court
P.O. Box 765
Winona, MS 38967

Re: *State of Mississippi v. James Franklin Bibbs*, Cause No. 2008-0065CR

Dear Ms. Martin:

Enclosed for filing please find a Supplement to the Motion to Dismiss Indictment and the Motion to Recuse the District Attorney's Office in the above styled matter. **Please note that exhibits B through K to the Supplement are being filed under seal.**

I have also enclosed an extra copy of the Supplement and a self-addressed, stamped envelope. Would you please stamp the extra copy "filed" and return it to me?

Thank you very much for your help with this matter. Please let me know if you have any questions or if there is anything further you need from me at this time.

Sincerely,

Robert B. McDuff

Enclosures

cc: District Attorney Doug Evans
Assistant District Attorney Susan Denley

FILED
JUN 05 2009

LANELLE S. MARTIN, CIRCUIT CLERK

BY

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

SUPPLEMENT TO THE MOTION TO CHANGE VENUE

Prior to the filing of the motion for change of venue, the undersigned counsel asked the prosecution if it was going to agree to or oppose this motion. On Wednesday, June 10, District Attorney Doug Evans informed the undersigned that he likely would oppose the motion. Accordingly, this supplement is being submitted in support of the motion. Attached are the defendant's verification (ex. 1) and two affidavits from people in Montgomery County (exs. 2 & 3), as well as a number of news articles (exs. 4, 5, 6, & 7).

In its motion and in this supplement, the defense requests not only a change of venue from Montgomery County, but from outside the entire Fifth Circuit Court District. Among the grounds that support a change of venue are the following:

1. This matter has been the subject of significant publicity as indicated by the attached articles from the *Winona Times*, *Greenwood Commonwealth*, *Clarion-Ledger*.
2. Montgomery County is a small county. It has 12,189 people. The five capital murder trials of Curtis Flowers have been the subject of a great deal of attention and publicity in the county, as has Mr. Bibbs's vote as the lone holdout juror in the most recent trial.
3. Because Mr. Bibbs was a Montgomery County juror in the most recent trial in

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LANELLE J. MARTIN, CIRCUIT CLERK

BY *Lanelle J. Martin*

State v. Curtis Flowers, and because he has been prosecuted as a result of being the lone holdout juror at that trial, Montgomery County jurors might be particularly reluctant to vote for acquittal in the present case for fear that they might themselves be prosecuted. This fear could cause some or all of them to be particularly susceptible to voting guilty even if guilt is not proven beyond a reasonable doubt.

4. Moreover, because this indictment was brought by the District Attorney's office for the Fifth Circuit Court District, jurors from any county within that district might be particularly reluctant to vote for acquittal for fear that office, which jurisdiction has over them, would indict them. Similarly, the defense has learned that the prosecution intends to call Fifth Circuit Court District Judge Joseph Loper as a witness. Jurors in that district may be affected by the fact that he is a Judge who has jurisdiction over people in that district and is a symbol of the authority of the judiciary in that district. Thus, the trial should be moved not only outside Montgomery County, but outside the entire Fifth Circuit Court District.

5. An additional complicating factor, as indicated by some of the news reports, is that an alternate juror in the same trial, Mary Purnell, was also arrested for perjury. Ms. Purnell had stated during voir dire that she did not know the defendant or his family. However, Ms. Purnell was arrested four hours after testimony began when the prosecutor alleged that Ms. Purnell's phone records showed she had received more than 60 calls from the jail in which Mr. Flowers was being held and further alleged that her name was on Mr. Flowers' visitation list. The facts in her case are much stronger for the prosecution than the

non-existent case they have against Mr. Bibbs. However, because the charges against both Ms. Purnell and Mr. Bibbs have been reported jointly in the news media in some instances (including many of the attached articles), many people in Montgomery County may wrongly confuse one with the other or consider them to be part of a joint operation. This could prejudice Mr. Bibbs in Montgomery County, where this case has been heavily reported. "Separate crimes which should be tried individually can become inextricably intertwined in print and over the airways." *Johnson v. State*, 476 So.2d 1195, 1214 (Miss. 1985).

6. The attached news articles demonstrate not only an unusually high level of publicity, but a great deal of controversy and strong feeling in the community over this matter.¹ These include (but are not limited to) the following:

* 10/2/08 *Winona Times* article reporting that at the conclusion of the fifth Flowers trial, Judge Joseph H. Loper, Jr. ordered Mr. Bibbs arrested in the courtroom for perjury, held on \$20,000 bond, bound over to the grand jury, and taken away in handcuffs. The article continues:

Angry, Loper said during jury selection, Bibbs was asked if he had any knowledge of the case in question, and Bibbs answered that he only knew what the media reported.

"Don't stand there and lie to me, Mr. Bibbs," Loper said. "It is clear that you lied in an attempt to subvert justice in this case."

(Emphasis added).

¹ Articles from the *Winona Times* are attached as Exhibit 4, articles from the *Greenwood Commonwealth* are attached as Exhibit 5 and articles from the *Clarion Ledger* are attached as Exhibit 6.

* 10/2/08 *Winona Times* editorial headlined “Jurors Should Face Consequences.”

* 10/16/08 *Winona Times* article reporting that at the conclusion of the fifth Flowers trial, “Judge Loper pleaded with District Attorney Doug Evans to seek new legislation that would allow prosecutors to request a change of venue for capital murder trials if they believe a jury pool is tainted.” The article describes the arrest of Mr. Bibbs and Mary Purnell, the alleged evidence against them, and the efforts of legislators to change the law so prosecutors can seek a change of venue.

* 10/16/08 *Winona Times* reprint of a Greenwood Commonwealth editorial headlined, “Indicted Jurors Now Counting on Fairness.” The editorial said “Bibbs was reportedly heavily responsible for the trial — Flowers’ fifth since his arrest — resulting in a hung jury.”

* 1/1/09 *Winona Times* round-up of the top stories of 2008, with the headline, “2008: Obama elected, hung jury in fifth Flowers trial,” and a story that included the Flowers hung jury and the perjury arrest of Mr. Bibbs as one of the top stories of the year.

* 1/29/09 *Winona Times* article pointing out that the Flowers trials have cost the County \$300,000 and that the Montgomery County jury pool is now “shallow” as a result of the trials.

* 10/1/08 *Greenwood Commonwealth* editorial entitled “Perjury befouls Flowers’ fifth trial.” The editorial states: “The family members of the four individuals gunned down in the 1996 Tardy Furniture murders have a right to be incensed” because “the alleged duplicity of some of the Montgomery County jurors has derailed justice.” It quotes Judge Loper as

saying Mr. Bibbs committed perjury. It urges prosecutors to “vigorously prosecute” Mr. Bibbs and for the courts to “send a message that such misconduct — prejudicial to the victims and costly to taxpayers — won’t be tolerated.”

* 10/1/08 *Greenwood Commonwealth* article on the mistrial, quoting “an emotional” Judge Loper in the aftermath as stating to Mr. Bibbs, “Don’t stand there and lie,” before ordering him arrested for perjury and saying to him “You’re free to go — in handcuffs.”

* 10/2/08 *Greenwood Commonwealth* article headlined “Flowers case causing racial divide.” One citizen is quoted as saying “It’s become a black-versus-white thing.” Another says, “Black people think white people are trying to railroad him, and white people think black people just want to get him off.” The article states that crowds in and outside the courtroom were divided by skin color during the trial. One person is cited as saying both black and white people complain about the cost of the trials.

* 10/3/08 *Greenwood Commonwealth* editorial saying the fifth Flowers trial “was tainted by apparent perjury committed by one of the jurors and one of the alternates.” “Both James Bibbs and Mary Purnell are charged with lying under oath during jury selection to questions that almost certainly would have disqualified them from serving.” The editorial urges prosecutors to “vigorously prosecute jurors who lie to get on a jury.” “Do that a few times and you can be sure the message will get around.”

* 10/11/08 *Greenwood Commonwealth* article about the Flowers case that quotes District Attorney Evans as saying, “How can you tell people to depend on the justice system

when in this case the justice system isn't working?" It also quotes State Sen. Lydia Chassaniol of Winona as saying the \$300,000 cost of the five trials is "a lot of money for a poor county like Montgomery County."

* 2/19/09 *Greenwood Commonwealth* article about the venue legislation, pointing out that the Flowers trials cost \$300,000 and quoting Sen. Chassaniol of Winona saying, "At the last trial, two jurors were indicted for perjury. Now, does that sound like a tainted jury pool," saying "the jury pool is contaminated and diluted," and speaking of the horror to the victims' families of having to go through all of these trials. The article also discusses the arrest and charges against Mr. Bibbs.

* 10/2/08 *Clarion Ledger* article quoting Judge Loper as saying in court, "This is absolutely ridiculous that I have jurors come into this court and lie," and pointing out that property taxes were increased in Montgomery County to pay the \$300,000 cost of the five trials.

* 10/12/08 *Clarion Ledger* article quoting a Winona alderman as saying the indictment of Mr. Bibbs "will serve as an intimidating factor" and "will produce some fear for African Americans summoned for the jury pool."

7. "When faced with a case which has been heavily reported in the news media, our trial courts must be prepared to readily grant a change of venue." *Johnson v. State*, 476 So.2d 1195, 1214 (Miss. 1985).

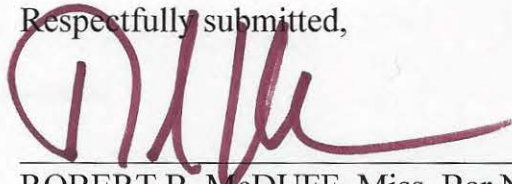
8. The high profile of this case, and the nature of the controversy, will make it

difficult to pick a fair jury in Montgomery County. Indeed, the media has reported that after five trials in the Flowers case, the jury pool in Montgomery County is "shallow." Winona Times, 10/16/08. Even if a fair jury can be selected there, it will take considerably more time to screen and question the jurors, and pick a jury, than it would in a county that is not the center of the controversy. Moreover, it is possible that if time is taken to pick a jury in Montgomery County and the effort is unsuccessful, that time will have been wasted and the trial will have to be postponed until a jury pool can be summoned in another county. It is far better to go forward from the beginning in another county. Delays caused by a lengthy jury selection process, as well as the possibility of an unsuccessful effort to do so in Montgomery County, justify a change of venue.

9. U.R.C.C.C.P. 6.06 provides that "[a] change of venue may be granted, in the discretion of the judge, upon a showing of good cause." Good cause includes any of the factors listed in this motion, including the potential difficulty and the time it will take to try to pick a fair jury in Montgomery County.

10. This motion is submitted pursuant to the Sixth and Fourteenth Amendments to the United States Constitution, Sections 14 and 26 of the Mississippi Constitution, U.R.C.C.C.P. 6.06., and Miss. Code Ann. 99-15-35.

Respectfully submitted,

A handwritten signature in red ink, appearing to be 'R. McDuff', written over a horizontal line.

ROBERT B. McDUFF, Miss. Bar No. 2532

SIBYL C. BYRD, Miss. Bar No. 100601

767 North Congress Street

Jackson, Mississippi 39202

(601) 969-0802

Counsel for the Defendant

AFFIDAVIT OF JAMES BIBBS

STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

I am James Bibbs. I am the defendant in the case of State of Mississippi v. James Bibbs in Montgomery County Circuit Court, cause number 2008-0065CR. I am concerned that I cannot get a fair trial in Montgomery County.

This the 18th day of May 2009.

James F. Bibbs

SWORN AND SUBSCRIBED BEFORE ME, this the 18th day of May 2009.

Lynsey Roberts
NOTARY PUBLIC

My Commission Expires: 2/5/11



FILED
JUN 12 2009

LANELLE J. MARTIN, CIRCUIT CLERK

BY Lanelle J. Martin

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY

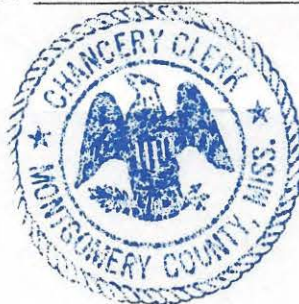
1. I am Melvin Cooley.
2. I am a resident of Montgomery County, Mississippi.
3. I am aware that James Bibbs is charged with perjury as a result of his jury service in the most recent Curtis Flowers case.
4. It is my opinion that it will be difficult for Mr. Bibbs to get a fair trial in Montgomery County.



SWORN AND SUBSCRIBED BEFORE ME, this the 8th day of ^{June}~~May~~, 2009.

Alma G. Galding, CC
NOTARY PUBLIC
My Commission Expires Jan. 1, 2012
Luj. Patsy Barton, CC

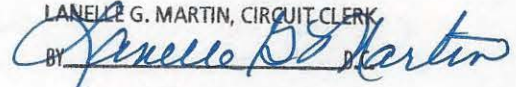
My Commission Expires: _____



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JUN 12 2009

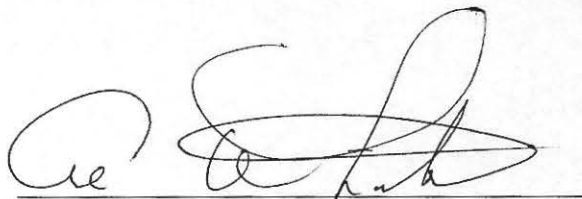
LANELE G. MARTIN, CIRCUIT CLERK

BY 

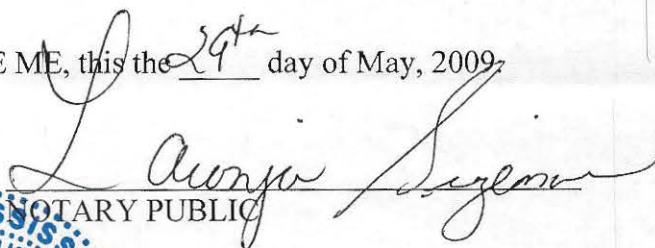
AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY

1. I am Al White.
2. I am a resident of Montgomery County, Mississippi.
3. I am aware that James Bibbs is charged with perjury as a result of his jury service in the most recent Curtis Flowers case.
4. It is my opinion that it will be difficult for Mr. Bibbs to get a fair trial in Montgomery County.

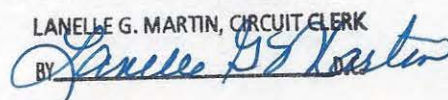


SWORN AND SUBSCRIBED BEFORE ME, this the 29th day of May, 2009.


NOTARY PUBLIC

My Commission Expires:



FILED
JUN 12 2009
LANELLE G. MARTIN, CIRCUIT CLERK
BY 

9-25-8



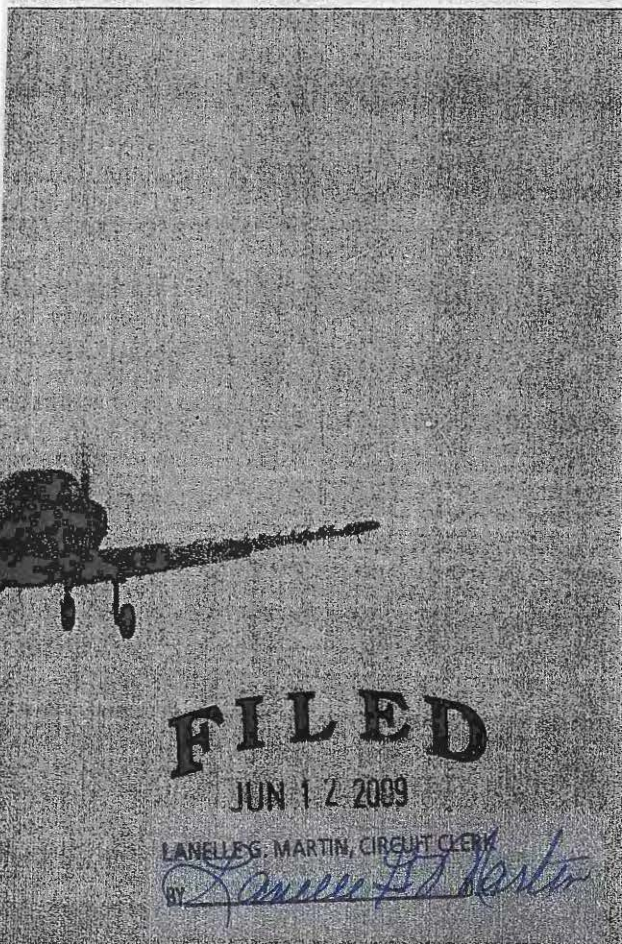
Tigers fall
High School football reports
Sports: Page 14

TIMES

Vol. 126, No.40

Crossroads Area Since 1881"

ng off



Curtis Flowers trial underway

By AMANDA SEXTON
 EDITOR AND PUBLISHER

A jury was seated and opening statements began Wednesday in the fifth capital murder trial of Curtis Flowers.

Flowers is charged with killing four people at Tardy Furniture Store in Winona in 1996. He is accused of killing Tardy store owner, Bertha Tardy, and employees, Derrick "BoBo" Stewart, Carmen Rigby, and Robert Golden.

This trial is the third in Montgomery County. In November, a hung jury was the result of a two week trial.

Nearly 600 potential jurors

poured into the Montgomery County Courthouse Monday for jury selection. Broken into groups, Judge Joseph Loper questioned potential jurors about conflicting hardships that would prevent them to serve, conflicts with the case, and other circumstances.

With the pool narrowed to the 12 with two alternates, proceedings began.

According to District Attorney Doug Evans last week, the state is seeking the death penalty in the case of Flowers, who has been convicted of capital murder and sentenced to death in three separate trials.

In 1997, Flowers was brought to trial for the murder of Tardy. Moved to Lee County by the court, a jury found him guilty and sentenced him to death. In 1999, Flowers was convicted and sentenced to death for the murder of Stewart by a Harrison County jury. Both trials were overturned and

See TRIAL, Page 3



Curtis Flowers

Road manager Gant recovering

By AMANDA SEXTON
 EDITOR AND PUBLISHER

body tissues and vessles will weave into it."





ROTARY DICTIONARY DONATION

The Winona Rotary Club donated dictionaries and thesauruses to third graders at Winona Elementary School (above) and Winona Christian School. The program is part of the club's ongoing effort to end illiteracy. (Contributed photo)

Rev. S True I

BY ELIZABETH E.
SPECIAL TO THE

Members of the Directors of the Montgomery County Arts Council this year to decide on to be included in the Hill Fire Script. Since the twenty-fifth anniversary of the maiden voyage of the Challenger space shuttle seemed like a good idea, we decided to include stories about the flight into space on the program.

A second story simple as our laps when the Hill performed at Haven Methodist Church. A ladies who sang during the program caught our eyes as they sang an octave in perfect harmony. But the fact that the beautifully is not what they are so special. Jerri are two of the last

Trial, Continued from page 1

new trials were ordered. In 2004, Flowers faced charges for all four murders. Despite a conviction, the verdict was once again overturned.

Last November's trial was the only of the four previous trials that did not end with a verdict. The hung jury brought the case back to court once again this week.

According to Evans, the only

difference between this trial and the other four is the judge. Loper is hearing the case for the first time. The previous four were presided over by Judge Clarence Morgan III.

Flowers, who is awaiting trial at the Carroll/Montgomery County Regional Correctional Facility in Vaiden, was in court Monday, and according to his attorney, Ray Charles Carter with the Office of

Capital Defense Counsel, the accused maintains his innocence in the crimes.

"We have a difficult job, and we will make an effort to perform it, despite the obstacles we perform," Carter told The Winona Times last week.

Staff writer Reggie Ross contributed to this story.


Gant, Continued from page 1

it slipped back into machine knocked G ground and rolled over. He landed in fresh asphalt, wise known as hot metal. He suffered second and third degree burns over 21 percent of his body.

Gant is recovering at Presley Memorial Baptist Hospital in Memphis.

NOW SHOWING

- #1 Eagle Eye (PG-13)
- #2 Tyler Perry's Family That Preys (PG-13)
- #3 The House Bunny (PG-13)
- #4 Burn After Reading (R)



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F-SAT-7pm-9:15 p.m.
SUN-MATINEE 2 p.m.

Thank You

Dear friends and family,
Thank you for all the prayers, phone calls, visits, cards, flowers and gifts while I was in the hospital and home. Words cannot express how this has helped in recovery. Please continue to pray for me in my recovery. Thank you again,
Lesley Abel

Opinion &

FROM THE EDITOR

Jury duty is an American privilege

By AMANDA SEXTON
EDITOR AND PUBLISHER

This week, the fifth trial of Curtis Flowers began with jury selection. Nearly 600 potential jurors descended upon the Montgomery County Courthouse to become part of our county's judicial system.

I have been a registered voter for more than a decade, and I have never once been called to serve - despite my desire to do so. Chalk it up to many years of covering trials as a journalist and never truly feeling a part of the process.

Every trial I report on for the newspaper, I am constantly amazed at how many people wish to be excused from serving on the jury. Being tried by a jury of our peers is a cornerstone of the American justice system. People should be honored to be selected, and they proudly serve.

When I was around eight-years-old, my mother served on the jury hearing a capital murder trial. She was sequestered for two weeks, and even though my sisters and I were all under the age of 12, she still served because she felt it her responsibility to do so.

So those of you called to serve, don't take the responsibility lightly.

HOMECOMING IS COMING to Montgomery and Carroll counties. All five high schools will celebrate homecoming in the next few weeks, and it is so important to our children for the community to show its support for our schools.

Friday, Montgomery County High School will kick off the homecoming season with its football game against Strayhorn. The Homecoming Queen will be announced at half time. This night is so important to the students of Montgomery County High School, so please go out and show your support.



Amanda Sexton

LETTER TO THE EDITOR

Barrack Obama not what America needs

wage a 'living wage'. He voted with the Democratic party 96% of the time. He is a big believer in the separation of church and state, which by the way is NOT in the constitution. He opposes any efforts to privatize social security

Government

By WYATT EMMERICH
COLUMNIST

There is a lot of land in Mississippi and not that many people. We are a state of landowners.

We also have a lot of rain. The rain falls from the sky, wets the land and drains into tributaries. Does that make all our land wetlands?

It seems like a silly question, but this question is very serious. Ask Robbie Wrigley, wife and mother of a toddler, who now sits in the Marianna, Fla., federal penitentiary for eight years with no chance of parole.

The Clean Water Act gave the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (corps) regulatory authority to reduce pollution, requiring private landowners to obtain federal permits.

The Clean Water Act was originally designed to protect navigable waters. Over the years, the EPA and corps have expanded the legislation's scope to include wetlands.

The problem is that under the law, "wetlands" is vaguely defined. Vague or not, a landowner who alters a "wetlands" can go to prison for 15 years.

Even the United States Supreme Court cannot figure out the definition of a "wetlands." In 2006, the highest court split 5-4 in *Rapano versus the United States*. Legal scholars have called the decision vague, unclear and destined to create confusion and uncertainty.

The Clean Water Act gives the federal government power over only "jurisdictional wetlands." These are wetlands that are connected to navigable waters. But since every drop of rain eventually ends up somewhere, where do you draw the line?

Since the passage of the Clean Water Act 25 years ago, the corps

Opinion

EDITORIAL

Jurors should face consequences

Two jurors were arrested and charged with perjury during the fifth Curtis Flowers trial. Although one juror was only an alternate, the other sat for the entire trial and participated in deliberations. The trial ended in a mistrial.

According to Mississippi law, perjury committed during a capital trial like that of Curtis Flowers is punishable by a minimum of 10 years in prison and up to a \$10,000 fine. The law does not set a maximum penalty.

If convicted, these jurors could receive more than just a prison sentence and a fine. They might also be forced to pay restitution to Montgomery County.

According to Winona attorney Ray Baum, restitution is ordered by the court in addition to the fine mandated by the law. It is his opinion that these jurors could face restitution to help pay for court costs.

"I would say in all likelihood [they] could be ordered to pay restitution," Baum said. "The court orders fines and restitution all the time."

If a jury finds these two jurors guilty of perjury and if that perjury in anyway led to the mistrial, it is not inappropriate to make them pay restitution to the county for the cost of the trial. These jurors should be held accountable for their actions to the strictest letter of the law.

Five trials have been held in this case, and with the severity of the crime, it is understandable why the district attorney's office is eager to retry it. With the first three verdicts being overturned by the Mississippi Supreme Court and the second two ending with hung juries, this community needs a fair and unbiased verdict to finally close this case - whatever that verdict might be.

Ironically, these two jurors will likely be facing juries of their own. They should hope for a fair and impartial jury of their own.

Not bu

BY WYATT EMMEL
COLUMNIST

Recently, I wrote a column about the causes of the financial crisis. I summed it up, banks bet on residential real estate and lost.

You can blame the bar for the housing price want, but housing prices never gone down in 10 years. It's easy to see why banks never anticipate them going down 15 percent in one year.

Houses are hard assets, easily marketable and had never gone down in price. The perfect Ooops.

With so many houses with five percent or less 15 percent drop in value, the bank was left holding the bag.

When momma ain't happy, nobody happy. With the scared stiff, credit crunch, the whole economy slowing down, there is no simple way out of this.

One thing I didn't mention last week is crucial to understanding the collapse. Historically, banks were limited to 10 to 15 percent to equity leverage. When banks bought default houses, the government allowed them greater leverage, in some cases 30 to one.

The default insurance companies provided bank protection in the event of lender defaults. The problem: The default insurance was purchased from a large insurance company where they themselves held large amounts of residential assets.

When real estate dropped, insurance companies were left to honor their default insurance.



Wyatt Emmel

Can't hear it thunder

BY BOB GRAVES
COLUMNIST

Several years ago, after much haggling by friends, family and co-workers, I finally had to admit that my hearing was starting to wane.

Some of my Ole Miss kin even tried to blame my condition on all the cowbell ringing I enjoyed during my younger years at Mississippi State. Well, to satisfy these folks that I had at sometime accused of mumbling, of poor enunciation, I visited one of the top Ear, Nose & Throat doctors in Jackson.

Homecoming 1951

Olivers relive homecoming glory.

Life and Times: Page 7



Tigers win!

High School football reports

Sports: Page 16

10-2-8

THURSDAY

OCTOBER 2, 2008

75 CENTS

MONTGOMERY COUNTY

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THE WINONA TIMES

The Winona TIMES

Vol. 126, No.41

"Serving the Crossroads Area Since 1881"

Mistrial declared; second juror arrested for perjury

By AMANDA SEXTON
EDITOR AND PUBLISHER

WINONA - The fifth trial of Curtis Giovanni Flowers ended in a mistrial Tuesday night when the jury announced it was deadlocked and unable to render a verdict. After 10 hours of deliberation, the jury alerted the court of their situation at 7:40 p.m.

Flowers is accused of killing four people at Tardy Furniture Store in Winona in July of 1996. He is charged with the capital murders of Bertha Tardy, Carmen Rigby, Derrick "BoBo" Stewart, and Robert Golden.

Guilty verdicts were handed down in the first three trials in this case, but all three were reversed on appeal. The fourth trial, which occurred last fall, ended in a hung jury.

The fifth trial, ended in the same as the fourth, was not without controversy. After declaring a mistri-

al, Judge Joseph H. Loper, Jr., held juror, James Bibbs, over to the grand jury charged with perjury. Bibbs was arrested inside the courtroom and escorted out in handcuffs. Loper set bail at \$20,000.

According to other jurors, Bibbs told the panel during deliberations that he was at a lawn mower shop near the crime scene on the day of the murder, and he was sure law enforcement did not canvass the neighborhood and collect statements. Bibbs also told jurors that he thought law enforcement planted evidence at the scene because he saw it happening.

Angry, Loper said during jury selection, Bibbs was asked if he had any knowledge of the case in question, and Bibbs answered that he only knew what the media reported.

"Don't stand there and lie to me, Mr. Bibbs," Loper said. "It is clear that you lied in an attempt to

subvert justice in this case."

Bibbs denied what jurors reported he said in deliberations, and responded that he misunderstood the judge's questions during jury selection.



Curtis Flowers

"I just told them I was in the area on the day of the murders," Bibbs told the court.

"I am sure when the grand jury meets, several

members of the jury will testify to what you said," Loper said. "You are dismissed now, in handcuffs."

More controversy ensued as defense council, Ray Charles Carter, attempted to leave the courtroom angrily while Loper was questioning Bibbs.

"Mr. Carter, sit down. I did not dismiss you."

Carter later told the court that he was upset, and he was trying to leave the courtroom to prevent saying something out of anger. He apologized to the court.

"I don't agree based on what that gentleman said that he committed perjury," Carter told Loper.

Bibbs is the second juror to be arrested for perjury during this trial. Mary Purnell was arrested and charged with perjury just four hours after testimony began in the case last Wednesday. During jury selection, Purnell told the court under oath that she did not know the defendant or his family, however, a witness, at one-time a potential juror before being dismissed by the judge, alerted the court of Purnell's deceit.

The court found that Purnell had received more than 60 telephone calls from the Carroll-Montgomery

Correctional Facility where Flowers is being held and that her name is included on Flowers' visitation list at the facility. In addition, the witness told the court that Flowers' family recently visited the home of Purnell.

Purnell admitted she received telephone calls from Flowers, but she denied that his family was recent visitors at her home.

Both Bibbs and Purnell will face the grand jury, and if convicted of perjury, would receive a minimum of 10 years in prison for lying during a capital trial.

District Attorney Doug Evans said he had never seen anything like this. "I have had jurors commit perjury, but not arrested," Evans said.

Expressing his disappointment for the outcome of the trial, Evans said it is up to the judge as to when a new trial will be scheduled. Until that time, Flowers will

remain in jail.

Carter was not available for comment before press time.

Benny Rigby, husband of Carmen Rigby, said he was satisfied with the way Loper handled the proceedings.

"Judge Loper was tough in there," Rigby said. "He dotted every 'I' and crossed every 'T.' He paid attention to the trial, and it was different from the others."

Rigby said Loper even informed Flowers that he had the right to take the stand if he pleased, something that had not been done in the last four trials.

However, Rigby said for the next trial he would prefer a change of venue.

"To have someone deliberately hang the jury is wrong," Rigby said. "I am sorry for the jurors. It was so stressful for them, and they were mentally drained."

Rigby said the trial and the
See FLOWERS, Page 3

process leading up to it was different from the others in many ways.

"He [Loper] did some things we did not like and some things the defense did not like, but he was fair and that is what matters," he said.

During the trial, the prosecution presented 22 witnesses hoping to prove without a doubt the guilt of Flowers.

In Flowers' statement to police, he said he was never east of Highway 51 on the day of the murder. Eyewitnesses testified about Flowers whereabouts the day of the murder, and by linking the testimony of the witnesses, the prosecution tried to show the movements of Flowers from his home to Tardy Furniture and back.

"Seven people identified Curtis Flowers on the east side of Highway 51," Assistant District Attorney Hill told jurors. "The interlocking collaboration proves that each of them is telling the truth."

In addition, prosecutors presented a gunshot residue test as evidence. The test was given to Flowers approximately five hours after the murders, and results showed evidence of residue on Flowers' right hand.

Although the murder weapon and shoes identically matching bloody shoe prints at the scene have not been found, the prosecution identified the weapon used in the crime as belonging to Doyle Simpson, a relative of Flowers. Simpson reported his .380 caliber weapon missing from his vehicle the afternoon of the shooting. Projectiles from his weapon collected from an area used for target practice verified that Simpson's gun was, in fact, the murder weapon.

Police also identified the shoes used to make tracks in one of the victims blood at the scene were Grant Hill Fila sneakers. The shoes were never found, but investigators found an empty shoe box for size 10.5 Grant Hill Fila sneakers in the home of Flowers. Experts from the Mississippi Crime Lab, with an outsole from 10.5 Grant Hill Fila sneakers obtained from the sneaker company, found the size 10.5 Grant Hill Fila sneakers conclusive with the tracks found at the scene.

Connie Moore, Flowers' girlfriend at the time of the murder, testified that the sneakers in question belonged to her son, but when cross-examined, Evans asked Moore if there was a reason she did not want police to find the shoes in question. She responded, "Yes."

The defense struck back hard against prosecution witnesses - questioning the investigation, collection of evidence, and motive.

The defense questioned the credibility of the eyewitnesses due to a reward being offered soon after the murders. It tried to raise doubt in the jury's mind regarding the testimony of witnesses that came forward to the police months after the crimes were committed.

In addition, the defense ques-

tioned evidence presented by the prosecution. For example, the defense questioned the reliability of police finding but one particle of gunshot residue on Flowers hand.

Carter questioned the state's expert about the possibility of human transfer being the reason so little gunshot residue was found on the accused. The state's expert testified it was possible.

Finally, the defense attacked the testimony of Odell Hallmon who served time with Flowers at Mississippi State Penitentiary. A one-time witness for the defense, Hallmon testified that Flowers asked him to lie in the previous

trials and admitted to him that he committed the murders. However, after urging from his mother, he admitted to the prosecution what he had done.

"Odell Hallmon is nothing but a jailhouse snitch," Carter said. "Mr. Evans should be ashamed he called him to testify."

Evans responded, "The defense wants to attack Odell Hallmon, but they didn't want to attack him when he was their witness."

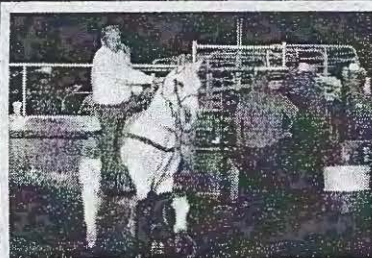
"The defense is calling 18 people liars," Evans continued. "Not one witness was ever asked to lie or paid a reward for their testimony."

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and all of my family for sponsoring me in the U.S.C.R.A. World Finals calf roping in Stevenville, Texas.

Thank you and may God bless.

Hope to see you in cowboy church down the road.



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Jimmy Mills

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by the talented cast.

Unlike past Hill Fire performances, "In His Hands" has more somber overtones and themes. The production begins with the Challenger tragedy in 1986. It introduces a family in turmoil due to teen pregnancy. It details the lives of orphaned, handicapped, and blind children in mid-20th century Winona, and it offers interesting insight into the life of Mr. Jenkins, the maimed former owner of City Café who succeeded in life despite the loss of his arm.

Every vignette in the production led back to the same lesson in life - whatever life may bring we are in God's hands and everything happens for a reason.

In my opinion, several actors stood out in "In His Hands." Newcomer Ted MacIntosh was very strong as Jeb, the father of unwed



Amanda Sexton

than believable as Mr. Peterson - with similar features and build but also in diction and mannerisms. Mr. Peterson would be proud.

Deldris Glover delivered a heartfelt performance as Professor Samuel Clark. He offered a real-life rapport with the children in his scenes, and it added to the believability of his character.

delivered the news.

Also, Ken Rosamond did a phenomenal job in his role as Donald Peterson. In meeting Mr. Peterson recently, I was impressed by Rosamond's portrayal. He was more

sprinkled throughout the production in tune (no pun intended) with and I was reenergized for the next following each song.

Three unbelievable musical performances brought the audience to their feet.

Nell Middleton unleashed a spine-chilling version of "God Bless America." Her powerful soprano voice, M reprised the song she sang at the "Donald Peterson Day" in Winona.

Mary Leigh Harp's rich alto tone was perfect for a mournful duet with M. The song presented battling emotions regarding the unfortunate situation surrounding the characters' daughter.

Young Mason Rosamond, who has much notoriety in the last Hill Fire production, wowed the audience once again.

Indicted jurors now counting on fairness

By TIM KALICH
GREENWOOD COMMONWEALTH

James Franklin Bibbs and Mary Annette Purnell are going to be getting a personal lesson in why an impartial, unbiased jury is so important to the justice system.

Bibbs and Purnell were both indicted last week on charges that they lied during the jury selection process in the recent murder trial of Curtis Giovanni Flowers in Montgomery County.

Bibbs is accused of perjuring himself when he denied having personal knowledge of the 1996 quadruple slayings at Tardy Furniture Store other than what he had heard or seen in the media. Purnell is accused of lying about knowing Flowers and his family.

Bibbs reportedly was heavily responsible for the trial - Flowers' fifth since his arrest - resulting in a hung jury. Purnell was an alternate jury who was booted from the panel soon after testimony began.

Both have claimed they are innocent of the perjury charges.

Bibbs and Purnell are about to witness why impartiality is an essential ingredient in the justice system. They are going to be counting on the process to field a panel of jurors who won't have any preconceived notions about their cases. They will be trusting that those individuals who are called to jury duty will speak up about any personal connections or knowledge that would prevent them from being impartial. They will be expecting these potential jurors to abide by their oath to tell the truth. They will assume that any persons who would bring bias to the deliberation will be excluded.

That's the only way for there to be justice. Defendants, no matter their crime, have a right to be judged by the evidence, and the evidence alone. They are supposed to be protected from a process that would be tilted. Although the defendants' worry is that a jury would be biased toward conviction, it is just as dangerous to the system - and unfair to the victims and their families - if a jury is biased toward acquittal.

The prosecutors, the judge and the victims' families in the Flowers' case contend that Bibbs and Purnell violated their pledge to tell the truth. A jury that abides by this oath, if the system works as it should, will decide whether that's what happened.



Tim Kalich

Craving a helping

By BOB GRAVES
COLUMNIST

Thirteen weeks of pure hell had just been completed at Officer Candidate School (OCS) at Fort Gordon, Georgia. Three months and thirty pounds later, I lay in my bunk thinking the worst part of this twenty week ordeal was complete. It was common knowledge among the Officer Candidates that if you could make the uphill climb of the first thirteen weeks, the final seven would be mostly downhill.

It was nine o'clock and lights were out on the second floor of the old WWII barracks that housed me and the twenty other Officer Candidates in our platoon. For some reason our conversations in the dark that evening were about hamburgers, milk shakes, French fries, and "Poggie Bait" as junk food was called at OCS.

The guys talked about the best burgers in their hometowns, chocolate milkshakes, fried pies -- I was going nuts. The Army had starved us. Undoubtedly, they didn't want an ounce of fat on any of the officer corps. If a chocolate shake had been placed on top of my head, my starving tongue would have beaten my brains out trying to get to it.

I thought of a drive-in-restaurant one mile outside the gates of Ft. Gordon that I had driven past several months before on my way to report to OCS. I couldn't stand it anymore. I jumped from my top bunk.

"Ok guys, I'm going to make a Poggie Bait Run. Everybody that wants a burger, give me five bucks."

Armed with twenty-five dollar bills, I climbed down the back fire escape ladder and over to the parking lot and my car. I quietly roll it out of the parking lot and down a hill, then cranked and on my

way to the drive-in-restaurant. "Twenty one cheeseburgers, shakes, French fries, and please."

The lady taking my order hardly looked up, "peach."

My order fit in a couple of boxes. I managed to get it out of the car without slipping out of the car. The starving guy seated in the dark on the racks floor and began poggie bait treats.

For five minutes it was suddenly, the lights in our room. There in the door TAC Officer, a blond Californian, Lt. Jack Raggs. "ATTENTION!" Somewhere we all jumped to our feet.

The Lieutenant did not seem happier that he had us in the midst of our poggie bait. He poured one of the milks spit-shined floor. Then he throw all of our junk food right in the middle of the room and get down on our hands and knees and crawl back and forth through it. After ten minutes of eating cheeseburgers, shakes, I only covered the entire cover most of our bodies.

"I'll be back at 06:30 mess to be cleaned up," the sergeant snapped.

We worked all night cleaning and polishing the floor. His word he returned the next morning. He summoned a formation.

Individually he asked each of us if we had left the military property back the poggie bait. In turn, the Honor Code I was given the option of lying and responding, "Yes, Sir."

YOU SAID IT!

You Said It! is a collection of the week's best comments from www.winonatimes.com.

About jury duty --

"I agree that jury duty is a civic duty for all American citizens. However, with justice hardly ever being served why should you take time out of your life to try to do your civic duty and the court reverses the decision because of a technicality not the evidence. So I can see why people try to get out of jury duty."

About 'Baggy Pants ordinance' --

"No zoning ordinance. No condemnation ordinance.

Home schooling parents, student respond to critic

Dear Editor:

I would like to take this opportunity to respond to Pearlie Wilson's letter to the editor last week. Ms. Wilson stated that home-school parents are "stupid" because they strip their kids of "fun and friends." My son is home-schooled and he has many extra curricular activities and friends. As for home-school parents being stupid; many of them were educated in the Mississippi public

everyone to continue tax money on an overburdened school system. Some parents can throw enough money at it and it will fix itself. A good God has been expelled from the classroom. Heaven might actually draw a disruptive behavior and child to think he/she is doing something wrong. It might hurt self-esteem.

I get out a lot each week to provide for my taxes; some of which are for education. While I do

LETTERS TO THE EDITOR

Arrest Docket

Danny Lott, 45, was arrested on September 30 by the Montgomery County Sheriff's Department and charged with public drunkenness.

James Bibbs, 66, was arrested on September 30 by the Montgomery County Sheriff's Department and charged with perjury.

Antwine Kendrick, 22, was arrested on October 1 by the Carroll County Sheriff's Department and charged with driving under the influence.

Bobby Stokes, 44, was arrested on October 1 by the Vaiden Police Department and charged with driving under the influence, open container, and improper equipment.

Kevin Beckom, 35, was arrested on October 1 by the Montgomery County Sheriff's Department and charged with parole violation.

Tyrreke Lockhart, 28, was arrested on October 1 by the Montgomery County Sheriff's Department and charged with sale of cocaine.

James Lasser, 57, was arrested on October 3 by the Montgomery County Sheriff's Department and charged with willfully trespassing and harassment.

Derrick Weathersby, 43, was arrested on October 3 by the Winona Police Department and charged with public drunkenness.

Christopher Davis, 31, was arrested on

October 4 by the Carroll County Sheriff's Department and charged with possession of crack cocaine.

Charles Allen, 29, was arrested on October 4 by the Carroll County Sheriff's Department and charged with driving under the influence and possession of crack cocaine.

Paul Schelinski, 42, was arrested on October 4 by the Vaiden Police Department and charged with driving under the influence and no insurance.

Tywan Rias, 24, was arrested on October 4 by the Carroll County Sheriff's Department and charged with driving under the influence, no driver's license, possession of marijuana, no tag, and no insurance.

Steve McClellan, 40, was arrested on October 4 by the Vaiden Police Department and charged with suspended driver's license.

Corey Sullivan, 22, was arrested on October 4 by the Vaiden Police Department and charged with public drunkenness.

Jeremy Stewart, 28, was arrested on October 5 by the Vaiden Police Department and charged with public drunkenness and possession of marijuana.

William Cross, 32, was arrested on October 5 by the Winona Police Department and charged with domestic violence.

eral Home in Grenada. were held at 2 p.m. on er 9, 2008, at National Chapel with Brother John ating.

as born January 17, 1957, Ark., to Marvin and Ruby d. He was a member of rch of Christ. He was a arpernter.

ed in death by his parents. ade his daughter, Angel of Marion, Ark.; a grand-in about four months; his lis of Grenada; his niece, d her husband, James, of , great-nieces, Megan s and Mary Hannah Timbs and one nephew, Jason is Vegas, Nev.

eral Home was in charge of its.

by Nicole Russell

services for Ashley Nicole rt Worth, Texas, were held ober 4, 2008, at New Bethel n Rev. Bernard Wiggins and yn McNeer officiating. s held from 4 to 8 p.m. on tober 2, 2008, and from 9 Friday, October 3. Williams eral Home of Greenwood was he arrangements.

, 24, died Monday, September Harris Methodist Hospital in Texas, of an accident.

orn in Fort Worth, Texas, and all of her life. She attended School in Fort Worth and was Drama Club and sang in the

She was a member of the ment Church of Christ in Fort

urvived by her father, Jerry Carrollton; her mother, Linda ort Worth; her sisters, Jennifer Tiffany Smith, both of Fort l. Michell Roberts of her brothers, Johnny P. "Trey" Michael Anthony Smith, Shelton y Hicks, all of Fort Worth, Witt of Phoenix, Az., and Jerry n of Carrollton; her grandpar-t Albright of Round Rock, Lester and Alice Haley of and a number of aunts, uncles, ephews.

Robert Steele, Sr.

ices for Robert Steele, Sr., of held on Saturday, October 4,

Send your church or
community announcements to
marshaengle@winonatimes.com

Church Announcements

October 17

Revival Services will be held at Crestview Baptist Church in Carroll County Friday the 17th and 18th at 7:00 p.m., and Sunday

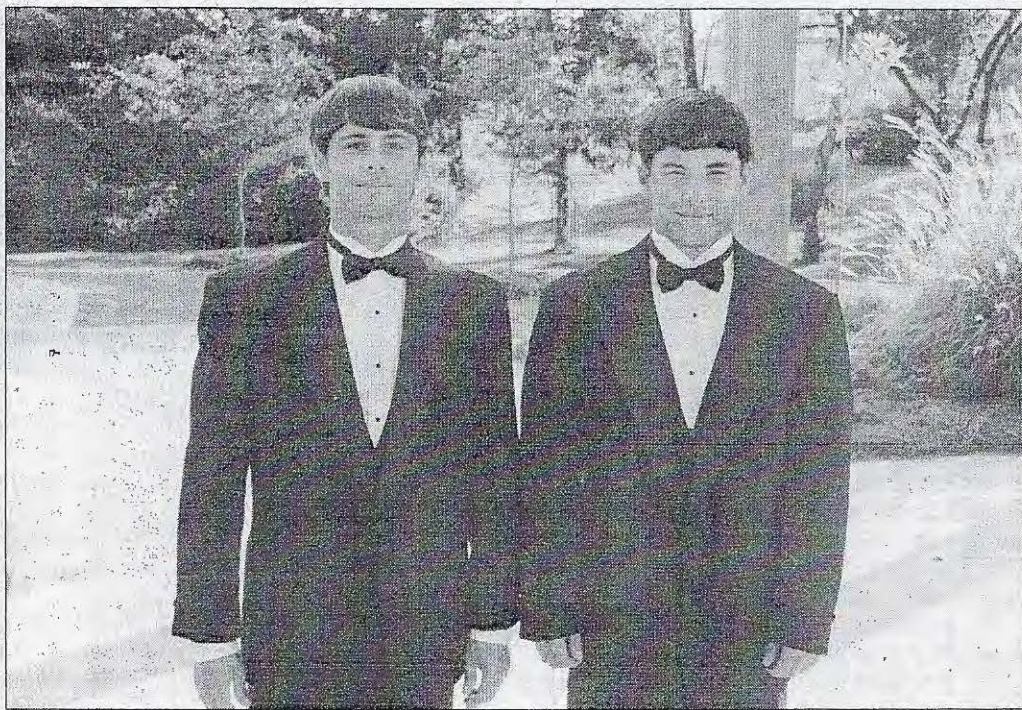
and North Carrollton United Methodist Churches on the subject of "Growing in Christ." Services will be at Carrollton UMC October 19th and 20th, and North Carrollton

and wife Anniversary on Sunday, October 26, 2008, with morning worship service. Rev. Otis Fluker of Wilkins Chapel will bring the message. Rev. Kent McClain is the pastor.

ve jury issue

change in statute or with a Constitutional amendment. I am also checking with the Attorney General's office to look at existing statutes where a solution might be found." Chassaniol said after five trials, the logical conclusion is that something has to change. "All interested in this case want a fair trial," Chassaniol said. "There appears to be problems with the jury pool if jurors are being indicted for perjury. Maybe we should go somewhere else." She said she has spoken with family members on both sides of the case, and they have indicated to her that the process is exhausting.

"People's lives have been completely disrupted five times for this trial," she said. "All the families have to go through this again and again. Witnesses have to take off work and are losing income, not to mention the \$300,000 the five trials have cost the county." Representative Bobby Howell (R-Kimberly) said he is working on this issue in the House of Representatives. "I am very much trying to solve this issue,"



HOLMES COMMUNITY COLLEGE HOMECOMING

Homecoming 2008 activities were held on Saturday at Holmes Community College in Goodman. Montgomery County residents who participated in the festivities were Justin Brown and Kyle Mills. (Contributed photo)

Law, Continued from page 1

Howell said. "Montgomery County is a small county, and I don't believe a true verdict can be found here. I have asked our legal staff in the House to look into what we can possibly do to allow prosecutors to request a change of venue in limited circumstances like capital cases."

Howell said he is not sure the Legislature passing a bill is the solution. He said a Constitutional amendment might be the only way to go.

"I am very determined to pursue this from my position," Howell said. "Many think we can just pass a bill, but a Constitutional amendment may be what has to be done. It has to be drafted and then a statewide referendum must be voted at some point to do that."

Howell said he has talked to lawyers and judges to ensure a tightly-crafted law that only involves special situations and mitigating circumstances.

Benny Rigby, husband of victim Carmen Rigby, said he is happy that Chassaniol and Howell are working to solve the jury issues in this case.

"We are so happy that [Chassaniol] and Bobby Howell are willing to take this on," Rigby said. "We have been dealing with this for the last 12 years, and we need some sort of closure."

Defense council Andre DeGruy said in his opinion it would take a Constitutional amendment to allow the prosecution to request a change of venue.

"It is a Constitutional right to be tried in your own county," DeGruy said. "I feel it is very dangerous to seek a Constitutional amendment because I don't like the results of a trial."

DeGruy said by allowing the prosecution to request a change of venue it

would further disenfranchise black jurors. He said, in his experience, he must review all the options before requesting a change of venue because the demographics might be severely different in another location.

"I think first what the impact on the jury pool is going to be moving to a place where the African American is very small [or smaller than the primary location]. Where I end up is what I consider."

DeGruy said the first two trials of Flowers were moved to another venue, and that request was made by defense council representing Flowers at that time as well as Flowers himself. When DeGruy took the case in 2003, Flowers asked for the trial to be held in Montgomery County.

As for jurors committing perjury, DeGruy said that could happen in any case anywhere.

"We put jurors under oath and ask them to tell the truth. The problem of a juror not being completely candid with us is a problem in many trials."

DeGruy said to solve this problem, more indi-

vidual interviews could be conducted of jury members.

"The process depends on jurors being honest," DeGruy said. "I am not prepared to say we cannot get an honest jury from Montgomery County."

Defense council Ray Charles Carter said he is against changing the current law requiring only the defense request a change of venue.

"My client has a right to be tried [in Montgomery County]," he said. "I don't see any advantage to moving it. I am not out to help give [the prosecution] an unfair advantage. They have enough of them."

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Thank You

Many thanks to everyone in Montgomery and Carroll counties who supported and contributed to the benefit held October 4th in Kilmichael. We are very grateful to ALL of you who organized and worked so hard to make the event possible. Your love and concern was totally overwhelming! God bless you all and once again, thank you.

Kelly and Kathy Hall





Saturday, October 25th

Great Delta Bear Affair

Downtown Rolling Fork, MS

Main Stage Music

S-I Mass Choir
Elvis
Meredith Virden
with Rhythm and Soul

Survival of the Fittest

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Embracing the past

Carroll County is 175

Life and Times: Page 7



Hardwood Action

High School basketball

Sports: Page 12

THURSDAY

JANUARY 1, 2009

75 CENTS

MONTGOMERY COUNTY

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THE WINONA TIMES

The Winona TIMES

Vol. 127, No.2

"Serving the Crossroads Area Since 1881"

2008: Obama elected, hung jury in fifth Flowers' trial

BY AMANDA SEXTON
EDITOR AND PUBLISHER

The headlines of 2008 have ranged broadly from political elections to the economy to the country. Here in Montgomery County, the stage seems to be set for a home-grown devotional.

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-elect- Nix,
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County Courthouse.

* Sheriff Bubba Nix hired opponent Calvin "Dooney" Young as a Montgomery County Sheriff's deputy. When asked about the surprising hire, Nix said, "I have always liked Dooney and worked with him at the [Winona Police Department] years ago. He will be an asset to the department, and that is what is important - to have the best deputies available serving the citizens of Montgomery County."

* A Winona man was arrested on charges of soliciting children on the internet. David Hoffman, 49, was arrested as a result of an investigation of LSP, the Internet Protection Agency,

and the sheriff's offices of St. Landry and Tangipahoa parishes in Louisiana.

* Webster County Development Authority began efforts to establish a regional rail authority for the currently unused C&G Railroad across central Mississippi. The effort is in relation to luring economic development to the area by offering more choices for transportation. At the same time, an opposing group, led by Jackson attorney, Wilson Carroll, started efforts to turn the unused railroad into a recreational trail for walking, biking, and horseback riding. Eventually, the rail authority was adopted by Montgomery and Carroll

counties, and the recreational trail hopes ended.

* Winona Elementary School third grade teacher, Laneda Owens, was named the 2008 Teacher of the Year for Winona Separate School District at a reception in Wolf Lab at Winona High School. Owens was one of five finalists selected by their peers for the prestigious award.

February

* Former Winona mayor, Avis Shivel, died on February 9, 2008, after a long battle with cancer. The community showed its sorrow by placing white ribbons on the crepe myrtle trees along Summit Street.

* Eddie and Gay

Hammond were honored as the Junior Auxiliary Ball King and Queen.

* Winona Baptist Church's beloved pastor, Mark Williamson, preached his last sermon at the church before leaving for a new pulpit in Jackson.

* Winona police arrested a 15-year-old boy for displaying a gun during an altercation on the grounds of Winona High School on the afternoon of February 20. The boy was charged with being in possession of a weapon or firearm on school property or educational property. The charge, a felony, calls for a sentence of up to three years in a state correctional facility and/or a \$5,000 fine.

March

* Kilmichael Hospital met with the Montgomery County Board of Supervisors as a first step to build a new Rural Health

for a judge to hear arguments from a group of investors led by Dr. Walter Roberts of Eupora to stop Fresenius Medical Group from opening a dialysis center in Winona. The investors filed for their own certificate of need through the Mississippi Department of Health to open their own unit. The opposition failed in court, and Fresenius opened in August.

* Two Winona High School band members were selected as members of the prestigious Mississippi Lions All State Band. Tyler Darsey and Jeremiah Burns were selected to participate in the all-state band last June. The two are among 150 Mississippi high school students that were selected to the 25-time world champion all-state band.

* A school bus loaded with children crashed into a vehicle on U.S. 51 injuring one

Celebrate safely

Thursday Jan. 1, 2009

leave due to illness.

* The Grassroots Festival was held July 12, 2008, in Duck Hill. Sponsored by Action Communication and Education Reform, the event featured blues artists from across the area including T.K. Soul, Sheba Potts-Wright, and Jesse Robinson.

* The City of Vaiden continued its investigation of alleged racial profiling by the Vaiden Police Department.

* The Montgomery County Economic Development Partnership facilitated an in-depth labor force study of the county by Delta Developers. The study was conducted to record the county's potential labor force for industrial development.

August

* Winona Police arrested four men in connection with an armed robbery that occurred on July 28. Maureka Lane, 23, Adrian Sanders, 22, and Chyroy Brandon, 22, all of Winona, and one juvenile was arrested for the armed robbery of Campbell Hill Grocery. The four men allegedly entered the store, brandished a firearm, and ordered the clerk to get on the floor. In self defense, the clerk slapped the gun away trying to get his own weapon, and one of the assailants threw a bottle at him. The four men escaped before police arrived, but were later arrested.

* A protest was held in front of Vaiden City Hall on August 4 by several citizens protesting the alleged racial profiling by the Vaiden Police Department.

* In an unprecedented move, the Mississippi Public Service Commission signed an order forcing Entergy Mississippi to reduce its fuel adjustment charge to match the latest drop in natural gas prices.

* United States Senate candidates Roger Wicker and Ronnie Musgrove made stops in Carroll and Montgomery counties to meet and greet voters.

* The Montgomery County Board of Supervisors set a public hearing for a proposed 1.99 mil tax increase for the FY 2009 budget. The

Winona. The cause of the fire was ruled undetermined by fire investigators.

* Montgomery County Road Manager Jimmy Gant was injured on September 10 while paving Minerva Road.

* The new children's playground was completed at Winona Recreational Park on Highway 82.

* The fifth trial of Curtis Flowers began at the Montgomery County Courthouse. Flowers is charged with killing four people at Tardy Furniture in Winona in 1996.

October

* The fifth trial of Curtis Flowers ended in a mistrial after the jury was unable to reach a unanimous verdict. After declaring a mistrial, Judge Joseph H. Loper, Jr., held juror, James Bibbs, over to the grand jury charged with perjury. Bibbs was arrested inside the courtroom and escorted out in handcuffs. According to the other jurors, Bibbs told the panel he had previous knowledge of the case but did not disclose it during jury selection. Bibbs was the second juror arrested for perjury in the trial. Mary Purnell was arrested after court officials discovered a personal relationship between Purnell and Flowers not disclosed during jury deliberations.

* The Mississippi Department of Education released the district scores for the MCT2 tests, and Montgomery County Schools and Winona Separate School District were either at the states average or above the states average.

* At the request of a resident, the Winona Board of Aldermen looked into adopting a measure that forbids "saggy pants." The measure would prevent people from wearing pants so large they fall below the waistline, displaying undergarments and in some cases the person's bare buttocks. The Board took the measure under advisement, but eventually took the opinion of Chief of Police Johnny Hargrove that the city's indecent exposure law would be sufficient.

* Intruders vandalized the

82 interchange.

* Nearly \$3,000 was raised for Winona renovation projects at the first annual Winona Fall Festival. All the proceeds from the festival will go toward the purchase of the old Montgomery County Courthouse clock.

* Vandals broke into the vacant Duck Hill Elementary School and set fire in one of the classrooms. The fire was contained to the room, and no structural damage was suffered by the building.

* A twenty-mile strip of Highway 51 from Winona to Duck Hill was dedicated as the Bill Lancaster Memorial Highway. Lancaster was a member of the Mississippi Senate and the House of Representatives from 1980 to 1992.

* A Winona man was arrested and charged with aggregated assault with a deadly weapon. Joseph Williams, 26, of Winona is accused of shooting Joe Bibbs, 26, of Winona multiple times on Halloween night.

* Five men pled guilty in Montgomery County Circuit Court after a months-long joint investigation by the Montgomery County Sheriff's Department and the Mississippi Bureau of Narcotics. Collectively, the five must serve 40 years with the Mississippi Department of Corrections.

December

* The Winona Police Department arrested Deondra Fleming, 27, of Winona and charged him with breaking and entering

and arson. According to authorities, Fleming allegedly broke into an apartment at 1107 B North Union Street in Winona and set fire to the residence.

* The Winona Parade kicked off the holiday season on December 1. Hundreds of spectators lined the streets of downtown Winona to catch a glimpse of the festivities.

* A mobile home on Hendrix Road was destroyed when a possible tornado touched down near Kilmichael. Strong storms flooded streets and knocked down trees across Montgomery County.

* Three people pled guilty to destroying a portion of a corn field in northern Montgomery County in late September.

* The Kilmichael Parade turns out huge crowds and entries to the annual event on December 13.

* Montgomery County sales tax returns from October are similar to those of last year. With a recession under way, holiday sales in Winona and other parts of the county increased or stayed steady, according to local merchants.

* Longtime Carroll County educator Shirley Lester retired December 18 with an official reception honoring her 25 years of service to the Carroll County School District.

* The Duck Hill Christmas Parade was moved to December 20 this year, and despite the change, participation was impressive.

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Thursday 1-29-09

Jury selection bills under consideration in Legislature

By AMANDA SEXTON
EDITOR AND PUBLISHER

JACKSON - Senator Lydia Chassaniol (R) Winona and State Representative Bobby Howell (R) Kilmichael are currently working on legislation to ease the limited jury pool in Montgomery County and other small counties in capital murder cases.

With the five trials - three overturned by the Mississippi Supreme Court and two hung juries - completed in the case of Curtis Flowers for capital murder, the Montgomery County jury pool has become quite shallow, but if Chassaniol and Howell are successful in pushing through new legislation, that jury pool would be expanded greatly.

Howell's bill, HB 302, if passed, will allow for the prosecution to request a change of venue under certain circumstances with a judge deciding whether the measure is

warranted. However, Howell's bill might infringe on the state's constitution.

"In talking with some attorneys, they think we will have to have a constitutional amendment," Howell said. "That will be a lot more difficult to do."

If a constitutional amendment is required, the passage can begin two ways. First, it can be done through initiatives and referendums. This will require a 12 percent of registered voters to sign a petition with only 1/5 of the signatures coming from a single district. The petition must be completed within 12 months to be accepted, and when accepted, the amendment will be added to the statewide ballot for a popular vote.

Second, an amendment bill can be adopted by the legislature, but a two-thirds majority of each house is required to get the measure placed on the ballot.

"I think we will get some atten-

tion from this bill," Howell said. "With the attention, there is more of a possibility to get the legislature to pass an amendment bill."

Howell said his district needs to find a solution for its small jury pool.

"With this bill, we are trying to correct a problem in Montgomery County, but it could also be a problem for other small counties," Howell said. "We have a limited population, so when you look at those who actually qualify the number of jurors is small."

Chassaniol said she is working for the same measure in the Senate.

"Jury selection is something that needs to be addressed because we aren't the only county that has suffered financial hardships from [multiple trials for the same capital murder]," Chassaniol said. "Montgomery County has spent \$300,000 on [the Curtis Flowers']

See BILL, Page 3

Sammy McCaskill, his district will have the funds needed to make it through the rest of the school year. "We will be okay," McCaskill said.

the future will be easy. "We will just budget for less next year," McCaskill said.



ACCIDENT ON HIGHWAY 82

An accident Monday afternoon slowed traffic along U.S. 82 after an 18-wheeler and a pickup truck collided. The Dodge pickup was hauling several cows and no injuries were reported. The Mississippi Highway Safety Patrol worked the scene. (Photo By Reggie Ross)

Seven Day Forecast

THURSDAY 1/29

Sunny

52 High 27 Low
0% chance precipitation

FRIDAY 1/30

Mostly Sunny

48 High 27 Low
0% chance precipitation

SATURDAY 1/31

Sunny

55 High 33 Low
0% chance precipitation

SUNDAY 2/1

Partly Cloudy

57 High 41 Low
10% chance precipitation

MONDAY 2/2

Few Showers

56 High 26 Low
30% chance precipitation

TUESDAY 2/3

Sunny

51 High 32 Low
0% chance precipitation

WEDNESDAY 2/4

Sunny

54 High 31 Low
0% chance precipitation



1-29-09

ment rate increased over the month from 6.5 to 7.1 percent for December and was elevated significantly when compared to the year ago rate of 4.8 percent. The nation's rate of 7.1 percent for December 2008 was the highest seen during the month of December since

the location of the unemployment rate reported a significant decrease of 8,900 in employment over the month and 26,300 from one year ago.

The largest employment losses were noted over the month in Professional and Business services and

followed by Lamar County at 5.0 and Jones County at 5.1 percent.

Thirty-two counties reported unemployment rates equal to or lower than the state's rate of 7.6 percent and 22 reported double digit rates for the month.

Based on historical trends, January's statewide unemployment rate will probably rise.

and ceremony rifle marks and unarmed reading, field courtesy, military, basic marches, and exercises.

He is the Blackmon J. Blackmon Institute of J.Z. School, Car

Bill,

Continued from page 1

trial]," Chassaniol said. "Just think what our county could do with \$300,000 - not to mention the on-going agony of the victims' families and the family of the accused."

Chassaniol's bill offers another option in jury selection. She proposes that jury selection is expanded to the entire circuit court district.

"It is a way for us to get a jury pool that isn't as diluted as ours," Chassaniol said.

Chassaniol said she has discussed the legislation with the Mississippi Prosecutors Association, and they are in favor of the legislation.

"I also went to the Judiciary Committee and

explained our situation," Chassaniol said. "There are constitutional issues because the defendant has a right to be tried within the county where the crime has been committed. I certainly don't want the rights of the defendant to be trampled on."

She said that her bill is still being discussed in the Judiciary A Committee, but after talking to the committee members, there is a real chance for a floor debate and vote in the Senate.

"This legislation is very important to me and our county," Chassaniol said.

HB 302 has not been released from committee, but Howell is hopeful.

Don't Get Rattled by Wall Street's B

The stock market is down. Some major Wall Street houses are in turmoil. What's an individual investor to do?

For starters, be patient. Don't let the current market scare you to take a "time out" from investing. They often occur in the early stages of a market turn and could miss out on considerable growth potential on the investment sidelines.

You may also be able to reduce the effect of volatility by diversifying your portfolio to include Treasury securities, certificates of deposit and other investments. Keep in mind, though, that diversification cannot guarantee a profit or protect against loss.

Finally, buy quality investments. During market turns, even quality stocks can lose value. But stocks have the potential to recover when the market turns around.

By following these tips, you can keep moving toward your goals — in all markets.



This is Kevin Jones, your Edward Jones advisor located at 311 Monroe St. Call 662-221-1111. Member SIPC.

Edward Jones

Stimulus,

Continued from page 1

law enforcement officers on the streets, it also opens up positions in local police departments.

"According to the plan, work must be bid out to create jobs in the community," Stidham said.

However, if projects are accepted, the county must be prepared to begin work by a certain deadline or face penalties.

"These projects must be bid and 'shovel ready' 120 days after the stimulus package is passed," Stidham said. "We will use the state bid process, but we have a limited time to get the projects bid and started moving."

Stidham said with the competitiveness of the funds, it is best to be prepared.

One part of the stimulus package is not competitive. School districts have already been earmarked to receive

County School District will receive \$601,500 in 2009 and \$267,700 in 2010.

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The Greenwood Commonwealth

Greenwood, Mississippi

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Fifth Flowers trial set

[Print Page](#)

Published: Tuesday, September 2, 2008 11:50 AM CDT

WINONA — Curtis Giovanni Flowers will be tried the fifth time on Sept. 22 for the shooting deaths of four people at a Winona furniture store in 1996.

Montgomery County District Attorney Doug Evans will seek the death penalty.

Flowers is charged in the shooting deaths of shop owner Bertha Tardy and three of her employees — Carmen Rigby, 45, Derrick "Bobo" Stewart, 16, and Robert Golden, 42.

Tardy was 59 at the time of her death.

Flowers has been convicted and sentenced to death in three previous trials involving the case, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when the jury said it was deadlocked. Prosecutors didn't seek the death penalty at the last trial.

The fifth trial will be held in Montgomery County Circuit Court in Winona.

Prosecutors have said a motive for the shooting was Flowers being upset that Tardy had withheld \$85 from his paycheck to cover the price of goods he damaged.

The victims were all shot in the head with a .380 semi-automatic handgun.

Flowers, 38, has maintained innocence for more than a decade.

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[\[x\] Close Window](#)**FILED**
JUN 12 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY *Lanelle G. Martin*

The Greenwood Commonwealth

Greenwood, Mississippi

News >> Top Stories

Trial will be packed with painful memories

[Print Page](#)

By William Browning
News Editor

Published Wednesday, September 3, 2008 11:39 AM CDT

WINONA – When Curtis Flowers' fifth murder trial begins Sept. 22, the seats inside the Montgomery County courthouse will be packed with painful memories.

"It's like reliving the entire thing over in my mind even 12 years after it happened," Kathy Permenter said this morning. "It brings July 16, 1996, back to life for all of us."

Permenter's 16-year-old son, Derrick "Bobo" Stewart, was one of four people brutally murdered inside Tardy Furniture in Winona in 1996. All four of the victims – store owner Bertha Tardy, 59, Robert Golden, 42, Carmen Rigby, 45, and Stewart – were working in the downtown store when the shooting occurred. Each was shot in the head with a .380-caliber handgun.

Flowers, 38, has stood trial for the gruesome murders four times. The first three saw him found guilty and sentenced to death. After each conviction, however, he won a new trial on appeal. The fourth trial took place in Montgomery Circuit Court last December and ended in a mistrial with a deadlocked jury.

"There's been no closure for the family," said Frank Ballard, Tardy's son-in-law. "(At every trial) the emotions from that time come right back. It's all brought back."

Flowers has maintained his innocence for the past 12 years.

Montgomery County District Attorney Doug Evans didn't pursue the death penalty at the last trial but will in the fifth.

The approaching trial takes just as much of an emotional toll on the accused's family as the victims.

"He's concerned about it," Flowers' mother, Lola Flowers, said Tuesday evening of the death penalty. "He's worried just like us. He's praying to God for all of this to end."

As Curtis Flowers sits in the Carroll/Montgomery Regional Correctional Facility in Vaiden awaiting trial, his mother, like clockwork, has visited him every Friday night.

"The hurt, it never goes away," she said. "Going through this again – it's always here. It's something something that's unbearable. I don't know what else to say. We're praying that this will be it and he'll be free."

Lola Flowers describes the way she feels in a manner similar to Permenter.

"It's a heartbreaking and nerve-wracking experience," Permenter said of the trials. "And it makes it all so real again."

Still, like she has four previous times, Permenter will attend the proceedings.

"We're just ready for this to be over with; ready for some closure and for justice to be served."

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The Greenwood Commonwealth

Greenwood, Mississippi

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585 jurors called for Flowers trial today

[Print Page](#)

By William Browning
News Editor

Published Monday, September 22, 2008 12:01 PM CDT

WINONA – Curtis Giovanni Flowers' fifth murder trial got under way this morning in Montgomery County Circuit Court.

According to Montgomery County officials, 585 jury summons were sent out for the trial.

Flowers is accused of shooting four people to death inside a downtown Winona furniture store in 1996.

Montgomery County District Attorney has said he plans on seeking the death penalty.

Flowers is charged in the shooting deaths of shop owner Bertha Tardy and three of her employees – Carmen Rigby, 45, Derrick "Bobo" Stewart, 16, and Robert Golden, 42.

Tardy was 59 at the time of her death.

Flowers has been convicted and sentenced to death in three previous trials involving the case, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when the jury said it was deadlocked. Prosecutors didn't seek the death penalty at the last trial.

In previous trials, prosecutors have said a motive for the shooting was Flowers being upset that Tardy had withheld \$85 from his paycheck to cover the price of goods he damaged.

The victims were all shot in the head with a .380 semi-automatic handgun.

Flowers, 38, has maintained innocence for more than a decade.

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Jury selection continues in Flowers trial

[Print Page](#)

Published: Tuesday, September 23, 2008 12:01 PM CDT

WINONA - Jury selection continued today in the Curtis Giovanni Flowers murder trial

The trial, Flowers' fifth, began Monday morning at 9. According to Montgomery County officials, 585 jury summons were sent out.

Flowers is accused of shooting four people to death inside a downtown Winona furniture store in 1996.

Montgomery County District Attorney Doug Evans has said he plans on seeking the death penalty.

Flowers is charged in the shooting deaths of shop owner Bertha Tardy and three of her employees - Carmen Rigby, 45, Derrick "Bobo" Stewart, 16, and Robert Golden, 42.

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Flowers, 38, has maintained innocence for more than a decade.

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The Greenwood Commonwealth

Greenwood, Mississippi

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Flowers murder trial gets under way

[Print Page](#)

Published: Wednesday, September 24, 2008 11:26 AM CDT

WINONA — Opening statements were expected today in the Curtis Giovanni Flowers murder trial in Montgomery County Circuit Court.

The trial, Flowers' fifth, began Monday morning at 9.

According to Montgomery County officials, 585 jury summons were sent out.

The jury selected to hear the case is made up of 11 white people and four black people. Two of the white jurors and one of the black jurors will serve as alternates.

Flowers is accused of shooting four people to death inside a downtown Winona furniture store in 1996.

Montgomery County District Attorney Doug Evans has said he plans on seeking the death penalty.

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Tardy was 59 at the time of her death.

Flowers has been convicted and sentenced to death in three previous trials involving the case, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when the jury said it was deadlocked. Prosecutors didn't seek the death penalty at the last trial.

In previous trials, prosecutors have said a motive for the shooting was Flowers being upset that Tardy had withheld \$85 from his paycheck to cover the price of goods he damaged.

The victims were all shot in the head with a .380 semi-automatic handgun.

Flowers, 38, has maintained innocence for more than a decade.

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BREAKING NEWS

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Published: Wednesday, September 24, 2008 7:29 PM CDT

Flowers juror jailed on perjury charges

By William Browning
News Editor

WINONA – Roughly four hours after testimony began Wednesday in the fifth capital murder trial of Curtis Giovanni Flowers, the presiding judge ordered a juror arrested and jailed on charges of perjury.

"I take perjury very seriously," Circuit Judge Joseph H. Loper Jr. told Mary Purnell during a break in the proceedings. "And it seems very clear to this court that you have perjured yourself."

During jury selection Tuesday, Purnell, a black female who had been selected to serve on the jury as a third alternate, told the court she did not know Flowers or his family. However, after Purnell had been chosen as an alternate juror, a man told court officials that Flowers' parents had visited Purnell's home approximately two weeks ago.

Montgomery County District Attorney Doug Evans, according to court officials, then discovered she had received "60-something" phone calls from the Carroll-Montgomery Regional Correctional Facility where Flowers is being housed. Her name was also discovered on the list of people who had visited Flowers at the jail recently. When questioned by Loper, Purnell admitted the phone calls and jail visits, but denied that Flowers' parents had visited her home.

"I do find you perjured yourself," the judge said.

He ordered Purnell arrested on the spot and jailed on \$20,000 bond.

When reached at her home Wednesday evening, Purnell, 49, said she had "no comment" on the matter. When asked how long she was in jail, she replied, "A couple of hours."

Other members of the jury were not present while Loper questioned Purnell. Once the trial resumed, the judge did not inform the remaining members of the jury why Purnell had been excused.

"Something came up that required her to be removed from the panel," Loper told the remaining 14 jurors.

Flowers is accused of shooting four people to death inside a downtown Winona furniture store in 1996.

Montgomery County District Attorney Doug Evans is seeking the death penalty.

Flowers, 38, has been convicted and sentenced to death in three previous trials, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when a deadlocked jury – split along racial lines – said it could not reach a verdict. Prosecutors didn't seek the death penalty at the last trial.

Check Thursday's edition of the Commonwealth for complete trial coverage.

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If juror lied, make example of her

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Published: Thursday, September 25, 2008 12:07 PM CDT

Lock 'er up and throw away the key may be a bit severe, but if former juror Mary Purnell is indeed guilty of perjury, we hope the courts will deal with her severely.

Purnell is accused of blatantly lying during jury selection this week in the fifth capital murder trial of Curtis Giovanni Flowers in Winona.

Purnell told the court, when the prosecution and defense were trying to weed out any potential jurors who could taint the process because of their bias, that she did not know Flowers or his family.

Court officials believe that was a bald-faced fabrication. After being tipped off by another member of the jury pool, they discovered that Purnell's name is listed on Flowers' visitation list at the Carroll-Montgomery Regional Correctional Facility. Telephone records show that 60-something calls had been placed from that lock-up to Purnell, although it's unclear how many if any of those calls were placed by Flowers. Purnell's son also happens to be an inmate at the facility. There is also a report, one that Purnell denies, that Flowers' parents visited her home about two weeks ago.

The judge presiding over the trial, Joseph H. Loper Jr., had Purnell immediately arrested for perjury.

Perjury is a felony that is all too infrequently pursued because it's difficult to prove and prosecutors think they have bigger fish to fry.

They should make an exception in this case, if nothing else but to send a message to all future jurors that there are serious consequences to trying to pervert justice.

Flowers' case is a highly sensitive and sensational one. This is the fifth time he has been brought to trial since the 1996 quadruple murders inside Tardy Furniture store. Three times he's been convicted and sentenced to death, only to have those convictions overturned on appeal. The fourth time resulted in a hung jury.

Just as the defendant is entitled to be tried by a jury that doesn't presume he's guilty, so are the victims and their families entitled to a jury that's not biased toward acquittal.

Had Purnell, even as an alternate, not been caught in an apparent lie, she could have tainted the entire proceeding. For that, the punishment should be harsh.

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Flowers juror arrested for perjury

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By William Browning
News Editor

Published: Thursday, September 25, 2008 11:38 AM CDT

WINONA - Roughly four hours after testimony began Wednesday in the fifth capital murder trial of Curtis Giovanni Flowers, the presiding judge ordered a juror arrested and jailed on charges of perjury.

During jury selection Tuesday, Mary Purnell told the court she did not know Flowers or his family. However, after Purnell had been chosen as an alternate juror, a man - himself summoned as a juror but ultimately excused - told court officials that Flowers' parents had visited Purnell's home about two weeks ago.

Circuit Judge Joseph H. Loper Jr. said court officials discovered she had received "60-something" phone calls from the Carroll-Montgomery Regional Correctional Facility, where Flowers and her son are housed. Purnell's name was also discovered on Flowers' visitation list at the jail. When questioned by Loper, Purnell admitted the phone calls but denied that Flowers' parents had visited her home.

Loper ordered Purnell arrested on the spot and jailed on \$20,000 bond.

"I take perjury very seriously," Loper told Purnell during a break. "And it seems very clear to this court that you have perjured yourself."

When reached at her home Wednesday evening, Purnell, 49, said she had no comment on the matter. When asked how long she was in jail, she replied, "A couple of hours."

Other jurors were not present while Loper questioned Purnell. Once the trial resumed, the judge did not tell the 14 remaining jurors why Purnell had been excused.

"Something came up that required her to be removed from the panel," Loper told the group.

The jury is composed of seven white females, three black males and two white males. Two white females are serving as alternates. Purnell is black.

Flowers, 38, is accused of shooting four people to death inside Tardy Furniture in 1996.

He has been convicted and sentenced to death in three previous trials, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when a deadlocked jury - split along racial lines - said it could not reach a verdict. Prosecutors did not seek the death penalty that time.

Flowers is black. Three victims were white; one was black. They were shop owner Bertha Tardy and three of her employees - Carmen Rigby, 45, Derrick "Bobo" Stewart, 16, and Robert Golden, 42.

The fifth trial's opening statements began a little after 10:30 a.m. Wednesday.

Montgomery County District Attorney Doug Evans told jurors Flowers was fired from the downtown Winona furniture store. Evans said Flowers had been fired for damaging merchandise and Tardy was withholding his paycheck. He also said the state will produce witnesses claiming to have seen Flowers walking to and from the store on the morning of the killings.

Bloody shoe prints found in the store, Evans said, matched the shoes - size 10½ Fila Grant Hills - from a shoebox found inside the home of a friend of Flowers.

Defense attorney Ray Charles Carter, in his opening statement, countered each of Evans' points, deeming them "not reliable, not



Circuit Court Judge Joseph H. Loper Jr., during a break in the murder trial of Curtis Flowers Wednesday, orders Winona resident Mary Purnell jailed on charges of perjury. Purnell had told the court she did not know Flowers or his family and was ultimately chosen to serve on Flowers' jury. The court later discovered otherwise. Photo by William Browning

trustworthy, not credible."

"We've been told all our lives that there's two sides to every story," he said.

The defense said Flowers was never fired from Tardy Furniture but instead quit. Carter said Bertha Tardy had in fact loaned money to Flowers, perhaps indicating a friendly relationship. He said the state's witnesses who claim to have seen Flowers walking to and from the store on the morning of the killings each describe Flowers wearing different clothes.

"If he did all these things people said he did, he had to change clothes five or six times," Carter told jurors.

He said witnesses didn't start coming forward with information until \$30,000 in reward money was offered. "Then people started seeing a lot of things and remembering a lot of things," Carter said.

The defense also said more than 600,000 pairs of the shoes that match the bloody prints inside the store had been manufactured.

"There was a fixation on Mr. Flowers from the start," he said. "And there was little effort made to look at other people. Once the fixation was on Mr. Flowers, the investigation stopped."

The state called four witnesses to the stand Wednesday. The first was Winona Police Chief Johnny Hargrove, the first law enforcement officer on the scene the morning of the killings.

"Had you ever seen anything like this before?" Evans, referring to the crime scene, asked Hargrove.

"No sir," the chief replied.

Three of the victims died inside the store. Stewart died about a week later at the University of Mississippi Medical Center in Jackson. All had been shot in the head with a .380 handgun.

Spectators, listening to the opposing sides' claims during opening arguments, shook their heads at times during the proceedings.

Family and friends of the victims sat in the courtroom, and supporters of Flowers were on hand also.

"He was just an easygoing, nice guy," said Robert Merritt, a Winona native and childhood friend of Flowers. "I truly don't believe he is guilty."

After leaving the day's proceedings, Merritt, a 43-year-old member of the military, questioned how one person could kill four without, he said, any signs of a struggle.

"Don't get me wrong; whoever did it needs to pay," Merritt said, "but I don't see Curtis doing something like this. He isn't that kind of fellow."

The trial was expected to resume today at 9 a.m.

The state is seeking the death penalty.

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Jury expected to get Flowers case Monday

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By William Browning
News Editor

Published: Saturday, September 27, 2008 10:28 PM CDT

WINONA - Jurors in the fifth capital murder trial of Curtis Giovanni Flowers are expected to hear closing arguments and begin deliberations Monday.

Both the state and defense rested their cases Saturday in Montgomery County Circuit Court.

One of the state's final witnesses was Odell Hallmon, who was housed in Mississippi State Penitentiary's Unit 32 with Flowers at one time.

"He admitted to me that he killed them," Hallmon said after pointing at Flowers in the courtroom. "He did it."

Flowers is accused of shooting four people to death inside a downtown Winona furniture store in 1996. The victims were shop owner Bertha Tardy, 59, and three employees - Carmen Rigby, 45, Derrick "Bobo" Stewart, 16, and Robert Golden, 42. The victims were all shot in the head with a .380 semi-automatic handgun.

Flowers, 38, has maintained innocence for more than a decade. No weapon has ever been recovered.

Hallmon testified while wearing an orange jumpsuit with the words "Grenada County Jail" across the back. He told the court he wrote and mailed letters to discredit incriminating testimony his sister had given against Flowers. Hallmon claimed Flowers had promised money and cigarettes in exchange for his help.

When asked by Montgomery County District Attorney Doug Evans why he had come forward, now claiming the letters to be false, Hallmon responded, "When I got out (of prison), my momma, she was down on me cause I had told her about all of it."

Hallmon explained he wanted to tell the truth. "I'm serious now, and I ain't got to be."

On cross-examination, defense attorney Andre du Gruy asked Hallmon why he was currently in prison. Hallmon said he was serving 14 years for possession of a controlled substance. His prior convictions include aggravated assault and possession of a firearm by a felon.

Gruy suggested to Hallmon - a three-time felon - that Evans had cut a deal with him for his testimony.

"The truth is. ... you were facing life without parole," Gruy said. "So you got the best possible deal you could get."

"I got the first one they sent me," Hallmon responded.

"You lied for a few cigarettes," Gruy said, "but you want us to believe you wouldn't lie for a reduced sentence?"

Hallmon explained that he didn't expect to live long because of health problems, and that was why he had agreed to a plea bargain. "My health is a life sentence," he said.

Later, Evans asked Hallmon, "I wasn't going to ask you this, but since you've been attacked like this, would you mind telling the ladies and gentlemen of the jury what illness you have?"

Hallmon became emotional, glanced at Loper, appeared to begin crying, put his face in his hands and said, "I got AIDs."

Flowers has been convicted and sentenced to death in three previous trials involving the case, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when the jury said it was deadlocked. Prosecutors didn't seek the death penalty at the last trial.

The fifth trial resumes at 9 a.m. Monday with jury instructions before closing arguments are delivered. The state is seeking the death penalty.

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State traces defendant's steps on day of killing

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By William Browning
News Editor

Published Friday, September 26, 2008 11:37 AM CDT

WINONA - Testimony continued Thursday in the capital murder trial of Curtis Giovanni Flowers. The state spent the day attempting to trace Flowers' whereabouts on the day four people were murdered inside Tardy Furniture in 1996.

Patricia Sullivan Odom, who lived beside Flowers at the time, testified that she saw the defendant smoking a cigarette on his front porch before daylight on the day of the murders.

"Was anything weird about the way he acted?" Montgomery County District Attorney Doug Evans asked.

"Yes," said Odom, who said she spoke to Flowers. "He didn't speak back. That wasn't natural, so I just kept on walking."

She testified to seeing Flowers wearing Fila Grant Hill tennis shoes later that morning. Bloody shoeprints found inside the store were later determined to have been made by the same style of shoe.

"Had you ever seen him wearing them before?" Evans asked. Odom replied, "Yes."

Odom said Flowers was wearing a white or cream-colored T-shirt at the time.

Another witness, James Kennedy, testified that he saw Flowers walking in the direction of a factory where a .380 was reportedly stolen from a car on the morning of the murders. Kennedy said Flowers was wearing white pants and a gray or black sweater.

"Common sense would tell me that whoever stole the gun would have committed the murders," former Montgomery County Sheriff Bill Thornburg testified.

Thornburg also testified to having recovered a Fila Grant Hill shoebox at the home where Flowers was staying at the time of the murders. No shoes have ever been found.

Flowers is accused of shooting store owner Bertha Tardy, 59, and employees Derrick "Bobo" Stewart, 16, Carmen Rigby, 45, and Robert Golden, 42, on July 16, 1996. Each of the victims was shot in the head with a .380 semi-automatic handgun. Tardy, Rigby and Golden were pronounced dead at the scene. Stewart was pronounced dead a week later at the University of Mississippi Medical Center.

The defense also called Katherine Snow to the stand Thursday. Snow was employed at the factory where the handgun was stolen. She testified to seeing Flowers leaning on the hood of the car that contained the stolen gun. She wasn't sure what color his clothes were - "white or black" - but said she was certain he wasn't wearing a jacket or sweater.

While cross-examining Kennedy and Snow Thursday, defense attorney Andre de Gruy asked why they waited roughly a month to offer their information.

"I didn't want to be involved in it, but I knew that they knew that I knew something," Snow said of authorities.

De Gruy asked Kennedy and Snow if they knew about the \$30,000 in reward money that had been offered.

"No, money had nothing to do with it," Snow replied.

Kennedy also claimed indifference when asked about the money. Both witnesses claim they never received any reward money.

No murder weapon has been recovered.

Flowers has been convicted and sentenced to death in three previous trials, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when the jury said it was deadlocked. Prosecutors didn't seek the death penalty at the last trial.

Flowers, 38, has maintained his innocence for more than a decade.

The trial was expected to resume this morning.

The state is seeking the death penalty.

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BREAKING NEWS

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Published: Tuesday, September 30, 2008 9:48 PM CDT

Mistrial declared in fifth Flowers trial

By William Browning
News Editor

WINONA - A mistrial was declared Tuesday in the fifth murder trial of Curtis Giovanni Flowers.

Montgomery County Circuit Judge Joseph H. Loper Jr. declared the jury hung at roughly 7:40 p.m. Tuesday. Jurors had been deliberating more than 10 hours when the announcement was made.

Flowers is accused of shooting four people to death inside a downtown Winona furniture store in 1996. The victims were shop owner Bertha Tardy, 59, and three employees - Carmen Rigby, 45, Derrick "Bobo" Stewart, 16, and Robert Golden, 42. They were all shot in the head with a .380 semi-automatic handgun.

Moments after declaring the mistrial, Loper ordered juror James Bibbs jailed on perjury charges.

"This is absolutely ridiculous that I have jurors come into this court and lie to get on a jury," Loper said after having Bibbs jailed.

According to a note that juror Jennifer Bailey sent to Loper during deliberations, Bibbs told other members of the jury he personally witnessed evidence being planted inside Tardy Furniture store on the day of the murders.

"The only thing I told the jury is that I was in the area," Bibbs told Loper when questioned on the matter in open court.

Loper explained to Bibbs that he had specifically asked every member of the jury if they had outside knowledge of the case before proceedings began. According to Loper, Bibbs claimed prior to the trial that the only information he had of the case came from media reports.

"I misunderstood," Bibbs told the judge.

"No, sir, you did not," an emotional Loper responded. "Don't stand there and lie."

Loper ordered Bibbs arrested and jailed on \$20,000 bond.

"You're free to go - in handcuffs," Loper told Bibbs.

Flowers, 38, has been convicted and sentenced to death in three previous trials involving the case, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when the jury said it was deadlocked.

Flowers had maintained innocence for more than a decade.

See Wednesday's Commonwealth for complete coverage of the trial.

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Perjury befouls Flowers' fifth trial

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Published: Wednesday, October 1, 2008 12:51 PM CDT

The family members of the four individuals gunned down in the 1996 Tardy Furniture murders have a right to be incensed.

Twelve years and five trials later, they are still waiting for an untainted verdict.

This time, the alleged duplicity of some of the Montgomery County jurors has derailed justice. Moments after declaring a mistrial Tuesday, presiding Judge Joseph H. Loper Jr. told a packed courtroom that a member of the deliberating panel had committed perjury during the jury selection process. The same juror, James Bibbs, reportedly was one of the holdouts that kept the jury from finding Curtis Giovanni Flowers guilty of the cold-blooded slayings.

"This is absolutely ridiculous that I have jurors come into this court and lie to get on a jury," an exasperated Loper said after he ordered Bibbs hauled off in handcuffs.

Bibbs was the second juror to be charged with perjury during the trial. Last week, just hours into testimony, Mary Purnell, an alternate juror, was fingered for lying while the prosecutors and defense attorneys were trying to empanel an unbiased jury.

Bibbs' crime was compounded by what he allegedly attempted to do in the jury room. Another juror, who bravely reported on Bibbs' actions, said that Bibbs told jurors that he personally witnessed evidence being planted inside Tardy Furniture store on the day of the murders.

If Bibbs in fact did this, it would be a blatant and damnable effort to pervert justice. There was absolutely no testimony introduced during the trial to support the wild allegation that evidence had been fabricated in an effort to frame Flowers. If there was any credence to such a claim, certainly Flowers' defense team would have introduced it. His lawyers' main argument was that the police work had been sloppy and that the prosecution's case was built totally on circumstantial evidence.

Prosecutors say they will try Flowers a sixth time. Before that happens, though, they should vigorously prosecute both of these perjury charges. If Purnell and Bibbs are guilty of lying to get on the jury, their motivation could only have been to rig the process so as to set Flowers free. The courts must send a message that such misconduct -- prejudicial to the victims and costly to taxpayers -- won't be tolerated.

Flowers is entitled to being tried by a jury that isn't biased toward conviction. He's not entitled to being tried by a jury that is biased toward acquittal.

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Mistrial declared again

Print Page

By William Browning
News Editor

Published: Wednesday, October 1, 2008 12:44 PM CDT

WINONA □ The fifth murder trial of Curtis Giovanni Flowers ended in a hung jury late Tuesday evening.

Montgomery County Circuit Judge Joseph H. Loper Jr. declared the mistrial at roughly 7:40 p.m. Jurors had been deliberating roughly 16 hours when the announcement was made.

After dismissing other jurors, Loper ordered juror James Bibbs jailed on perjury charges.

□This is absolutely ridiculous that I have jurors come into this court and lie to get on a jury,□ Loper said after having Bibbs jailed.

According to a note juror Jennifer Bailey sent to the judge during deliberations, Bibbs told jurors he had personally witnessed evidence being planted inside Tardy Furniture on the day four people were murdered inside the store.

□The only thing I told the jury is that I was in the area,□ Bibbs told Loper when questioned in open court.

Loper explained that he had specifically asked every member of the jury if they had outside knowledge of the case before proceedings began. Bibbs had claimed prior to the trial the only information he had of the case came from media reports.

□I misunderstood,□ he said.

□No, sir, you did not,□ an emotional Loper responded. □Don't stand there and lie.□

Loper ordered Bibbs arrested and jailed on \$20,000 bond.

□You're free to go □ in handcuffs,□ he told Bibbs.

Flowers is accused of shooting four people to death in 1996 inside the downtown Winona furniture store where he had briefly worked. The victims were owner Bertha Tardy, 59, and three employees □ Carmen Rigby, 45, Derrick □Bobo□ Stewart, 16, and Robert Golden, 42. They were each shot in the head with a .380 semi-automatic handgun.

No murder weapon has ever been found.

Prosecutors have claimed that Flowers killed the four in anger after he was terminated and his paycheck docked \$85 for damage to golf-cart batteries.

Flowers, 38, has been convicted and sentenced to death in three previous trials, but each conviction was thrown out on appeal. A fourth trial last December also ended in a mistrial with a deadlocked jury that was split along racial lines.

Flowers is black. Three of the four victims were white; Golden was black.

Standing in the courtroom Tuesday night, District Attorney Doug Evans said a sixth trial will be scheduled and a death penalty sought.

□He stays in jail,□ he said when asked about Flowers.

When leaving the Montgomery County Courthouse, Flowers□ father, Archie Flowers, was asked if he had anything to say. □I do, but Lord knows I don□t want to say it,□ he responded.

Bibbs, a 66-year-old African American, was the second juror arrested during the trial.

Alternate Mary Purnell was also jailed and charged with perjury shortly after witness testimony began Wednesday. Purnell, a black woman, had said she did not know the defendant. However, court officials discovered that the 49-year-old Winona resident was on Flowers□ jail visitation list and that more than 60 phone calls were made from the jail to Purnell□s home. Purnell said the calls were placed by Flowers and her son, who is also being housed at the Montgomery-Carroll Regional Correctional Facility in Vaiden.

Perjury is a felony and comes with a maximum penalty of 10 years.

□How can you tell people to depend on the justice system, when in this case the justice system isn□t working?□ Evans said when asked about the perjury charges.

Bertha Tardy's daughter, Roxanne Ballard, sat weeping in the front row after the mistrial was declared Tuesday night.

Outside of the courtroom, family members of the victims expressed frustration and sadness.

□I□m still searching for justice for a 16-year-old child,□ said Derrick Stewart□s teary-eyed father, Roy Stewart. □With a fair jury in Montgomery County, I□ll get that justice.□

Carmen Rigby□s oldest son, Benjie Rigby, said despite two straight hung juries, he, too, holds out hope for justice in a 12-year-old crime prosecutors deem the worst in Winona's history.

□You□ve just got to hope that a jury will listen to the evidence,□ he said in the lobby of the courthouse. □The evidence is there. There□s nothing □iffy□ about it if you listen to the evidence.□

When contacted this morning, Stewart□s mother, Kathy Permenter, said she doesn□t believe a fair jury can be seated in Winona.

□It□s not ever going to be a fair trial if it keeps happening in Montgomery County,□ she said. □The only good that came from the trial for me was (Loper) showing that he is stern in the courtroom and willing to hold up the law.□

After ordering Bibbs jailed, Loper suggested that Mississippi law should be changed to allow prosecutors to request a change of venue if they believe a fair trial cannot be held in the county where the alleged crime occurred. Under current state law, only the defense can make such a request. □It is high time the Legislature took some action,□ the judge said.

Loper urged Evans to contact the Mississippi Prosecutors Association and begin lobbying for a change.

While Loper chastened Bibbs, Flowers□ defense attorney, Ray Charles Carter, got up to leave the court.

□Have a seat,□ Loper announced as a deputy blocked Carter□s exit. □I don□t know who you think you are.□

After having Bibbs jailed, Loper asked Carter for an apology and explanation.

□I apologize,□ the defense attorney said. □But by the same token, I don□t agree, based on what that gentleman said, that he committed perjury.□

□ Well, what do you call it? □ Loper asked. □ I guess you don't think Miss Purnell committed perjury either. □

□ I didn't put words in your mouth, sir, so don't put words in mine, □ Carter responded.

When asked for comment after the proceedings, Carter said he didn't want to say anything for fear of being held in contempt of court.

Andre du Gruy, Flowers' other defense attorney, also declined to comment as he exited the courthouse.

The jury that heard the trial was made up of seven white females, three black males and two white males.

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Flowers case causing racial divide

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By William Browning
News Editor

Published Thursday, October 2, 2008 8:57 AM CDT

WINONA - As the worst crime in Winona's 160-year history goes unpunished, people on its streets say the small Montgomery County town is dealing with a growing racial divide.

"It's become a black-versus-white thing," resident Cassandra Gibson said Wednesday. "But no matter what you think, everybody can agree on something: There's something fishy going on."

Four people were shot in the head with a .380 semi-automatic handgun inside Tardy Furniture on a summer morning in 1996. Three of the victims - owner Bertha Tardy, 59, Carmen Rigby, 45, and Robert Golden, 42 - died instantly. Derrick Stewart, 16, died one week later at University Medical Center in Jackson. Three of them were white; Golden was black.

Curtis Giovanni Flowers, a 38-year-old African-American, was eventually arrested and charged with the crime. Prosecutors say his motive was being fired from the store and having an \$85 paycheck withheld for damaging golf cart batteries.

Flowers has maintained for more than a decade that he is innocent.

He was convicted and sentenced to die in three trials, but each conviction was thrown out on appeal. A fourth trial in December ended in a mistrial when the jury, split 7-5 along racial lines, said it was deadlocked.

Tuesday night, Circuit Judge Joseph H. Loper Jr. brought the fifth trial to a close when he declared a mistrial after the jury couldn't reach a verdict following 16 hours of deliberation. It ended the same way it began, with a black juror being arrested and jailed on charges of perjury for allegedly lying to get onto the jury.

"Black people think white people are trying to railroad him, and white people think black people just want to get him off," Gibson said. "It just keeps on. Each time they try him, more questions, more issues come up."

Throughout the eight-day trial, crowds inside the Montgomery County Courthouse and out were divided by skin color. The pattern continued as the crowd emptied into the parking lot Tuesday night.

"Anything racial is bad, but in a small town it's worse," Winona resident Linda Goss said Wednesday afternoon. "Everything is so close knit, it hurts worse. It can do damage."

But Goss, who has lived in Winona nine years and works in a discount tobacco store, said both black and white customers complain about the costs of the trials.

The county spent more than \$250,000 on the first four, according to Montgomery County Chancery Clerk Talmadge "Tee" Golding. The fifth's price tag won't be known for another month, Golding said Wednesday.

Lucrista Griffin is from Vaiden and works in Winona.

"Every time they have a trial, it sets people going," she said.

Griffin said Wednesday she doesn't have an opinion on Flowers' innocence or guilt.

"To me, it's like he's been convicted already. The only difference is he gets out every now and then for a trial and gets to see a few familiar faces."

Angela Waddell works at Junior Food Mart on U.S. 51. She said most customers in the store have been talking about the case during the past few days.

"I really think more people believe he didn't do it than think he did," the Winona native said.

She agreed that opinions on the case appear to run along racial lines.

But as people talk, rumors spread and a sixth trial looms, Gibson said one thing should be crystal clear.

"There were four people killed," she said. "Four people here in little Winona – that's enough to shake anybody, black or white."

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Remedy for lying jurors already exists

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Published Friday, October 3, 2008 12:45 PM CDT

The repeated murder trials of Curtis Giovanni Flowers has a judge calling for a new state law that would allow prosecutors to seek a change of venue in the interest of finding an impartial jury.

Defense attorneys already have the right to seek a change of venue, although the standard is fairly high for granting one. It usually occurs when a judge decides there has been so much publicity about a case in a certain locality that it is impossible to empanel 12 jurors who don't have some preconceived notions about the case.

It's no wonder that Montgomery County Circuit Judge Joseph Loper Jr. is frustrated about the jury pool in his district.

He had to declare another mistrial this week in the continuing saga of Flowers, who is accused of gunning down four people in a Winona furniture store in 1996. Five trials so far have resulted in three convictions and two hung juries.

This latest courtroom battle, though, was tainted by apparent perjury committed by one of the jurors and one of the alternates. Both James Bibbs and Mary Purnell are charged with lying under oath during jury selection to questions that almost certainly would have disqualified them from serving.

As for the judge's suggestion that the Mississippi Prosecutors Association lobby for a law to allow them to seek changes of venue, we're not so sure it's a good idea. The Sixth Amendment to the U.S. Constitution guarantees the right to a speedy and public trial by an impartial jury in the district where the crime was committed. It doesn't say anything about moving the trial to accommodate the frustrations of the judge or the prosecution.

A different remedy is already at the prosecutors' disposal. They can vigorously prosecute jurors who lie to get on a jury. Do that a few times, and you can be sure the message will get around. There may be folks in Montgomery County who are sympathetic to Flowers, but they certainly don't want to go to jail for him.

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The Greenwood Commonwealth

Greenwood, Mississippi

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BREAKING NEWS; Flowers jurors indicted on perjury charges

[Print Page](#)

By William Browning
News Editor

Published Thursday, October 9 2006 4:43 PM CDT

WINONA - Two jurors jailed during Curtis Giovanni Flowers' fifth murder trial have been indicted in Montgomery County on perjury charges.

During an arraignment before Circuit Judge Clarence Morgan Thursday morning, both James Bibbs and Mary Purnell were indicted.

According to officials with the Montgomery County circuit clerk's office, they both pleaded innocent.

During Flowers' trial, Circuit Judge Joseph H. Loper Jr. accused both Purnell and Bibbs of lying to the court in order to serve on the jury.

Loper declared a mistrial after the jury failed to reach a verdict.

See Friday's Commonwealth for more details.

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Flowers jurors indicted

By William Browning
News Editor

Friday, October 10, 2008 1:45 PM CDT

WINONA -- Two jurors arrested and jailed during Curtis Giovanni Flowers' fifth murder trial charges of perjury.

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James Franklin Bibbs and Mary Annette counts of perjury in Montgomery County. They both pleaded not guilty during an a Clarence Morgan III. They are free on \$

The Indictments handed down Thursday "constituting a related series of acts or to plan" during the trial's jury selection pha

Each count of perjury comes with a max

District Attorney Doug Evans, in court to reached for comment.

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Online Poll

When a sixth murder trial for Curtis Giovanni Flowers is held, will it be possible to find an impartial jury in Montgomery County?

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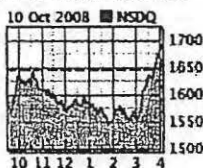
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Flowers is accused of shooting four people to death inside Tardy Furniture in 1996. In three previous trials, he was convicted and sentenced to death, but the convictions were later reversed on appeal. A fourth trial, held in 2007, and a fifth, which ended last week, resulted in hung juries.

Bibbs, a 66-year-old retired Montgomery County teacher, is represented by Jackson attorney Robert McDuff.

"Mr. Bibbs is a good person. He is a longtime educator and coach, he is 66 years old, has lived his whole life in Montgomery County and has never been in trouble before," McDuff said Thursday evening.

"He has pled not guilty to the charge. He did not commit perjury."



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The first count against Bibbs accuses him of "stating that he had no knowledge of the case other than knowledge he obtained through he had first-hand knowledge of the crime

The second accuses him of "stating that he opinion about the case when the truth is his opinion."

According to a note other jurors passed to during the latest trial, Bibbs, while the jur personally watched evidence being planted of the murders.

After declaring a mistrial, Loper ordered E perjury.

"This whole thing has been misconstrued and blown out of proportion," McDuff said. "At the show that he is innocent."

Lexington attorney Bryant Clark is representing Purnell, 49. He did not respond to message

One of the counts Purnell has been indicted on accuses her of lying to the court about knowing her of lying about knowing Flowers' mother, Lola Flowers.

After Purnell had been chosen to serve as an alternate juror, court officials discovered that jail visitation list and that more than 60 phone calls were made from the jail to Purnell's home claims in open court shortly after witness testimony began, Purnell said the calls were placed also being housed at the Montgomery-Carroll Regional Correctional Facility.

When reached Thursday evening, Purnell said she had no comment.

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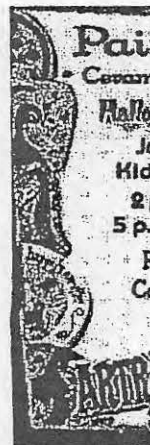
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The Greenwood Commonwealth

Greenwood, Mississippi

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Some say venue law isn't fair

[Print Page](#)

By William Browning
News Editor

Published: Saturday, October 11, 2008 10:26 PM CDT

WINONA -- A Mississippi law is slowing the wheels of justice in a 12-year-old quadruple murder case, according to a victim's daughter.

"When the rights lean the defendant's way, there is something wrong," said Roxanne Ballard, whose mother, Bertha Tardy, was one of four people shot to death in downtown Winona in 1996. "I'm not asking for it to lean my way. I just want it to lean in the middle."

Curtis Giovanni Flowers has been convicted and sentenced to death three times for the murder of Ballard's mother -- and three others -- inside Tardy Furniture. Those convictions were later reversed on appeal. A fourth trial, held in 2007, and a fifth, which ended last week, both ended in hung juries.

After two jurors in the fifth trial, James Franklin Bibbs and Mary Annette Purnell, were arrested, jailed and ultimately indicted on charges of perjury, some are wondering if prosecutors are getting a fair stab at justice in Montgomery County.

Under state law, defendants may request a change of venue if they feel a fair jury can't be seated in the county of jurisdiction. Prosecutors, however, aren't afforded the same right.

"What I would like to see, is the law be fair," Ballard said. "It needs to be fair for everyone."

At the conclusion of the fifth trial, Circuit Judge Joseph H. Loper Jr. urged District Attorney Doug Evans to get with the Mississippi Prosecutors Association and lobby for a change in state law so that prosecutors could request that a trial be moved.

The MPA has not lobbied for this in 10 years.

Evans could not be reached for comment for this article, but in the past he has expressed frustration with the situation.

"How can you tell people to depend on the justice system when in this case the justice system isn't working?" Evans has said of the Flowers case.

At least one state lawmaker agrees and, at the urging of victims' family members, is working to have a bill ready to introduce to the legislature by January.

"Obviously, after five trials, it ain't working," said state Sen. Lydia Chassaniol, R-Winona. "And it's obviously a situation worth looking into."

With a sixth trial on the way, the combined price of the first five equaled about \$300,000.

"That's a lot of money for a poor county like Montgomery County," Chassaniol said. "So yes, I'm exploring the possibility of enacting some legislation that would keep this mess from happening."

But André de Gruy, one of Flowers' defense attorneys and director of the state Office of Capital Defense Counsel, said the law is based on rights afforded to defendants by the state Constitution.

"The Constitution protects us from the government," de Gruy said. "That's why we have a Constitution in this country. And it says that if a person is accused of a crime in a county, the folks from that county are the ones who get to decide (guilt or innocence)."

While acknowledging the last trial's troubles, de Gruy said the current talk about a need to change state law is simply a knee-jerk reaction.

"We are all frustrated with what happened," he said. "But we have to trust the system that is in place when we hit these bumps in the road. This isn't something the Legislature needs to be talking about at all. There are a whole lot of other ways to deal with this."

De Gruy suggested more thorough investigations of potential jurors during the early stages of the selection process. He also said potential jurors could be interviewed one-on-one.

James Powell, district attorney for District 5, said that when it comes to requesting a change of venue, a courtroom's playing field isn't level.

"It's a problem, absolutely, and it's something that needs to be looked at," he said. "Changing that law would ensure that cases are tried on facts and law and not whether or not somebody knows the defendant."

Powell said he has run into the problem while prosecuting elected officials.

"You usually end up pleading those out for less than they're worth because you know that from the start you'll be working with a pool of jurors that put the guy in office because they like him."

But another prosecutor, DeWayne Richardson, district attorney for District 4, sides with De Gruy on the issue.

"Have I ever wanted to move a trial out of county? Of course," said Richardson, whose three-county district includes Leflore. "But that's a defendant's right; that's one of many rights a defendant has. Judges can't change it, and prosecutors can't change it. You just have to respect the law and work with what you got."

Ballard fears justice for the Tardy Furniture murders will be found only with a change of law.

"I don't see how it could be fair in Montgomery County."

She said the law as it stands has only added to the 12 years worth of trials, hearings and appeals that her family has had to endure in their quest for justice.

Flowers has stood trial for the slayings in 1997, 1999, 2005, 2007, and 2008.

"That doesn't leave a lot of time to get back to normal," Ballard said. "Having to go through this over and over again is terrible. And you never really get over it. You'll always miss your mother, or your wife, or your husband, or your son. But the thing is, we can't get past it."

"Anyone could find themselves in this situation, and it's very important that the law be neutral. Let the judge or a neutral party be the one to decide where a trial should happen."

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The Greenwood Commonwealth

Greenwood, Mississippi

Opinion >> Editorials

Indicted jurors now counting on fairness

[Print Page](#)

Published: Monday, October 13, 2008 1:24 PM CDT

James Franklin Bibbs and Mary Annette Purnell are going to be getting a personal lesson in why an impartial, unbiased jury is so important to the justice system.

Bibbs and Purnell were both indicted last week on charges that they lied during the jury selection process in the recent murder trial of Curtis Giovanni Flowers in Montgomery County.

Bibbs is accused of perjuring himself when he denied having personal knowledge of the 1996 quadruple slaying at Tardy Furniture Store other than what he had heard or seen in the media. Purnell is accused of lying about knowing Flowers and his family.

Bibbs reportedly was heavily responsible for the trial -- Flowers' fifth since his arrest -- resulting in a hung jury. Purnell was an alternate jury who was booted from the panel soon after testimony began.

Both have claimed they are innocent of the perjury charges.

Bibbs and Purnell are about to witness why impartiality is an essential ingredient in the justice system. They are going to be counting on the process to field a panel of jurors who won't have any preconceived notions about their cases. They will be trusting that those individuals who are called to jury duty will speak up about any personal connections or knowledge that would prevent them from being impartial. They will be expecting these potential jurors to abide by their oath to tell the truth. They will assume that any persons who would bring bias to the deliberation will be excluded.

That's the only way for there to be justice. Defendants, no matter their crime, have a right to be judged by the evidence, and the evidence alone. They are supposed to be protected from a process that would be tilted. Although the defendants' worry is that a jury would be biased toward conviction, it is just as dangerous to the system -- and unfair to the victims and their families -- if a jury is biased toward acquittal.

The prosecutors, the judge and the victims' families in the Flowers' case contend that Bibbs and Purnell violated their pledge to tell the truth. A jury that abides by this oath, if the system works as it should, will decide whether that's what happened.

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Greenwood, Mississippi

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Bill would allow expanded jury pool

[Print Page](#)

By William Browning
News Editor

Published Thursday, February 19 2009 1:52 PM CST

A bill awaiting House action would make it easier for prosecutors to seat unbiased juries in highly sensationalized trials, according to its chief proponent.

State Sen. Lydia Chassaniol, R-Winona, said she was inspired to author Bill 2069 after watching the quadruple murder trial of Curtis Flowers drag Montgomery County through five trials costing almost \$300,000 over more than 12 years.

The bill would allow a circuit court to expand its pool of potential jurors to the court's entire district but only after three trials have ended in mistrials, hung juries, or a mixture thereof. Currently, state law requires jurors to be pulled only from the county where the crime occurred.

"We're looking for some remedy," Chassaniol said of the Flowers case Wednesday. "At the last trial, two jurors were indicted for perjury. Now, does that sound like a tainted jury pool?"

Flowers has been convicted and sentenced to death three times for the murder of four employees of Tardy Furniture in downtown Winona in 1996. All of those convictions, however, were reversed on appeal.

The last two trials have ended in mistrials because of hung juries. In the fifth trial, jurors James Franklin Bibbs and Mary Annette Purnell were arrested, jailed and ultimately indicted on charges of perjury. They are still awaiting trial.

Meanwhile, Flowers awaits a sixth murder trial.

Flowers is accused in the shooting deaths of store owner Bertha Tardy, 59, and three employees: Carmen Rigby, 45, Derrick "Bobo" Stewart, 16, and Robert Golden, 42. Each was shot in the head with a .380 semi-automatic handgun.

"It just has to be awful for the families of the victims," Chassaniol said. "Each time a trial is held, they have to relive the horror of loved ones being murdered. But I would think that the defendant's family would want some relief, too. It's got to be just as hard on them."

The bill passed the Senate with only one vote against. It's been in House Committee Judiciary A since Monday, with a deadline of March 3.

"The jury pool is contaminated and diluted," Chassaniol said of the Flowers case. "And I don't want to drink out of that pool again."

But Andre de Gruy, director of the Office of Capital Defense Counsel, said the bill violates one of a defendant's right — that only citizens of the county where a crime occurred can decide innocence or guilt.

"It's unconstitutional," de Gruy, who has defended Flowers during the last two trials, said of the bill. "In order to implement the bill, there would have to be an amendment to the state constitution."

Chassaniol said Flowers' first three convictions were reversed because of "technicalities." The first two were reversed by the state Supreme Court because of prosecutorial error. The third was reversed because of racial discrimination by the prosecution during jury selection.

"Those are not harmless errors," de Gruy said. "They denied Mr. Flowers a fair trial. (At the third trial), they essentially disqualified every potential black juror. To me, that's not a technicality; it's a violation of rights."

Chassaniol said she knows some of the victims' family members personally.

"I do, and I feel strongly about it," she said. "But even if I didn't, I would want to fight for some relief for the taxpayers of the county."

Chassaniol said a case like Flowers' could occur anywhere.

According to the Montgomery County Circuit Clerk's office, about 8,000 voters are registered there. About 1,800 people have been

called to jury duty to hear Flowers' last three trials. Circuit Clerk Lanelle Martin said she supports the bill.

The first two trials were held outside of Montgomery County because of pretrial publicity.

Tardy's daughter, Roxanne Ballard, went to the state Capitol n along with her two children n to show support of Chassaniol's bill.

"It's one small step," Ballard said, later adding, "There are a lot of prayers behind it."

On Wednesday, her husband, Frank, noted that federal cases are heard from jurors culled from entire districts.

Roughly two weeks ago, House Bill 302 never made it out of House Committee Judiciary A. That bill, authored by Rep. Bobby Howell, R-Kilmichael, was also spurred by the Flowers case. It called for prosecutors to have the power to request a change of venue in capital murder cases. Under current state law, only a defendant can make such a request.

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Clarion-Ledger

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5th trial in slayings coming

Jimmie E. Gates

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By Jimmie E. Gates
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More than 12 years after a shooting rampage left a furniture store owner and three employees dead in Winona, the alleged killer is scheduled to be tried a fifth time in September.

And when Curtis Giovanni Flowers is tried Sept. 22 he will be facing the death penalty in a case that has split the community over who really killed store owner Bertha Tardy, 59, and her employees. All were shot in the head with a .380-caliber handgun on July 16, 1996.

Flowers was found guilty and sentenced to death three different times, and each time he won a new trial on appeal. A fourth trial in December ended in a mistrial when the jury said it was deadlocked after six hours of deliberations over two days.

Montgomery County District Attorney Doug Evans, the prosecutor in all of Flowers' previous trials, didn't seek the death penalty in the fourth trial. He didn't explain why then and isn't discussing the change now.

When reached last week, Evans would confirm only that the retrial is set. He said he didn't want to say anything about the death penalty because it might impact the jury selection process.

Montgomery County Circuit Court officials and Flowers' attorney, Ray Charles Carter of the state office of capital defense counsel, said they had been informed by Evans that this would be a death penalty case.

"We don't know why he decided to seek the death penalty; we guess it's because of the (victims') families," Carter said. "We will prepare our defense to the best of our ability like we did the last trial."

Tardy's son-in-law, Frank Ballard, said both he and his wife have been subpoenaed as witnesses in the upcoming retrial.

"Everyone just wants to see some closure," said Ballard, who is married to Tardy's daughter, Roxanne.

Ballard said they have not had any recent discussions with the district attorney's office about seeking the death penalty.

Also killed in connection with the 1996 attack were Derrick Stewart, 16, a part-time store employee also known as BoBo; bookkeeper Carmen Rigby, 45; and deliveryman Robert Golden, 42. Stewart died a week after the shooting at the University of Mississippi Medical Center in Jackson.

Flowers, now 37, has insisted he is not guilty. He was convicted of capital murder in 1997, 1999 and 2004 trials.

The Mississippi Supreme Court in 2000 overturned Flowers' first conviction in 1997 - in Tardy's slaying - saying prosecutors erred in introducing evidence from the other three cases instead of focusing on the Tardy case.

Flowers was tried in the slaying of Stewart in 1997 but won a new trial on appeal in 2003. Justices were sharply critical of prosecutors' actions and said they denied Flowers a fair trial.

In 2004, Flowers was tried for the first time for all four slayings.

To comment on this story, call Jimmie E. Gates at (601) 961-7212.

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Murder trial alternate jailed

Jimmie E. Gates

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Judge: Potential juror knew defendant but said she did not

By Jimmie E. Gates

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WINONA- An alternate on accused killer Curtis Giovanni Flowers' jury was in jail Wednesday under a \$20,000 bond, charged with lying to the court about knowing the defendant.

Mary Annette Purnell, 49, said during jury selection she didn't know Flowers, who is being tried for murder a fifth time in the 1996 killings of a furniture store owner and three of her workers.

But records show Purnell was on Flowers' jail visitation list and that 60 phone calls were made from the jail to Purnell's home.

Purnell explained she had received calls from Flowers and her son, who also had been an inmate.

Circuit Judge Joseph Loper Jr. charged Purnell with perjury and ordered her jailed.

Once the trial began, Flowers' attorney Ray Charles told the court evidence against his client is weak and "not reliable."

But Montgomery County District Attorney Doug Evans said he can place Flowers near Tardy Furniture Store the morning Bertha Tardy and the others were killed.

"One witness saw him heading in the direction of the store and evidence will show another witness saw him running away," Evans said.

The state contends Flowers, a former employee, had been fired for damaging merchandise and that Tardy was withholding his paycheck.

But Carter said Flowers didn't kill anyone.

"(Police) had a fixation on Mr. Flowers and made no effort to look at other people," Carter said. "Once the fixation was on Mr. Flowers, the investigation stopped."

Carter said Flowers wasn't fired and that no check was withheld.

He said Flowers simply left one day and didn't return.

A jury of seven women and five men is hearing the case.

The first witness was Winona Police Chief Johnny Hargrove, the first law enforcement official to respond to the 911 call following the shooting.

Hargrove said that when he arrived on the scene, he noticed Tardy at the back of the store not moving and he then saw the others.

Only Derrick Stewart, 16, a part-time store employee, was still alive.

Stewart died about a week later at the University of Mississippi Medical Center.

Tardy; bookkeeper Carmen Rigby, 45; and deliveryman Robert Golden, 42, were pronounced dead at the scene, Hargrove said.

Hargrove said he called state Highway Patrol investigators, the state Crime Lab and others to conduct the investigation because his department lacked expertise.

"I had never seen anything like this," Hargrove said, responding to a question from Evans.

Hargrove testified he found a bloody shoe mark at the scene.

Evans said Flowers had worn tennis shoes similar to the ones that left the mark.

But Carter said more than 600,000 pairs of the shoes had been manufactured.

Flowers has been found guilty and sentenced to death three different times, and won a new trial on appeal. A fourth trial last December ended in a mistrial.

To comment on this story, call Jimmie E. Gates at (601) 961-7212.

WHAT'S NEXT

Curtis Giovanni Flowers' trial is scheduled to resume today at 9 a.m. in Montgomery County Circuit Court. The trial could last until early next week.

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October 1, 2008

Prosecutor vows 6th trial in '96 slayings

Jury deadlocks in suspect's fifth trial; one juror charged with perjury

Jimmie E. Gates
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A mistrial was declared late Tuesday in Curtis Giovanni Flowers' tumultuous fifth trial in the slayings of a store owner and three workers, but the prosecutor said he won't give up.

"For certain" there will be a sixth trial, Montgomery County District Attorney Doug Evans said.

Evans said he was disappointed another jury deadlocked in the trial of Flowers, 37, in the 1996 killings of Winona store owner Bertha Tardy and the others. Also killed were Carmen Rigby, 45, Robert Golden, 42, and Derrick Stewart, 16.

In three previous trials, convictions were obtained only to be wiped out on appeal. Flowers' trial last year also ended when jurors deadlocked.

Evans has prosecuted all the trials.

Circuit Judge Joseph Loper Jr. called the mistrial Tuesday after about 16 hours of deliberations Monday and Tuesday.

In a shocking conclusion, Loper upbraided an unidentified juror and ordered him arrested inside the courtroom after dismissing the others. The juror was charged with perjury. Bond was set at \$20,000.

The juror in question had stymied deliberations earlier Tuesday when he told fellow jurors he'd been at a lawn-mower repair shop near the Tardy furniture store the day of the killings and saw evidence being planted.

At that point, the panel was returned to the courtroom and admonished by Loper to consider only evidence presented in court, then ordered back into deliberations.

Last week, Loper ordered alternate juror Mary Annette Purnell, 59, arrested on a perjury charge after she told the court she didn't know the defendant. Records showed Purnell was on Flowers' visitation list and that 60 phone calls had been made from the jail to Purnell's home.

The state contends Flowers, a former employee, shot and killed the four out of bitterness over being fired for damaging merchandise and because Tardy was withholding his paycheck.

Tardy, Rigby and Golden died at the scene. Stewart died a week later at University of Mississippi Medical Center.

But Flowers' attorney, Ray Carter, said Flowers hadn't been fired and didn't kill anyone.

"(Police) had a fixation on Mr. Flowers and made no effort to look at other people," Carter had said. "Once the fixation was on Mr. Flowers, the investigation stopped."

After the mistrial was declared Tuesday, Tardy's daughter, Roxanne Ballard, was led out of the courtroom weeping.

Randy Stewart, the youngest victim's father, said he wasn't surprised the jury deadlocked again but is "still searching for justice."

"I'll be here for the next trial, and the next," if it's required, he said.

Flowers' father, Archie Flowers, said his son is the one for whom justice has been denied.

Winona Alderman Charles Shelton, one of about 100 courtroom spectators Tuesday, criticized the judge for not calling a mistrial when jurors said earlier they were deadlocked.

"He's trying to force them to change their minds. They've been hung since (Monday)," he said.



October 2, 2008

Judge seeking reforms in change-of-venue law

Two accused of lying to get on jury

Jimmie E. Gates
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The judge in Curtis Giovanni Flowers' fifth trial, furious that two people may have lied to get on the jury, is pushing a change in state law to allow prosecutors to move trials out of concern for fairness.

But Andre de Gruy, one of Flowers' attorneys, said it's a defendant's constitutional right to seek a change of venue because of pretrial publicity or other issues that could impede justice.

"If you open up that floodgate, you would have prosecutors trying to move cases all over the state," de Gruy said Wednesday.

The Sixth Amendment guarantees the right to "a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed."

Montgomery County Circuit Judge Joseph Loper Jr. urged District Attorney Doug Evans to seek a change in state law after Loper charged a juror and an alternate with perjury in Flowers' trial that ended late Tuesday.

The seven women and five men on the jury deliberated about 16 hours over two days before telling Loper no amount of deliberation would produce a verdict.

Loper then declared a mistrial - the second in the Flowers case in less than a year.

Flowers is accused in the 1996 slayings of Winona furniture store owner Bertha Tardy and three of her employees. Also killed were Derrick Stewart, 16, a part-time employee; bookkeeper Carmen Rigby, 45; and deliveryman Robert Golden, 42.

Flowers has been convicted three times of capital murder and sentenced to death, but the convictions were overturned on appeal.

Loper said alternate Mary Purnell and juror James Bibbs lied to get on the jury in the latest trial. Both were arrested in court. Their bonds were set at \$20,000 each.

"This is absolutely ridiculous that I have jurors come into this court and lie," Loper said.

Loper urged Evans to persuade the Mississippi Prosecutors Association to lobby for a change in state law to allow prosecutors to have the same rights as defense attorneys in seeking changes in venue.

"The whole idea is to make sure the jury is fair," Evans said Wednesday.

District Attorney Ben Creekmore of Oxford, immediate past president of the prosecutors association, said there is no litmus test for potential jurors, adding that it is based on an honor system.

Creekmore said it is difficult for a defense attorney to get a change of venue and the standard would have to be higher for the state to get a trial moved.

"I do wish, at times, that I could get a change of venue," Creekmore said.

Creekmore said prosecutors as a group haven't discussed the issue in about 10 years.

Meanwhile, Evans said he is uncertain when a new trial for Flowers will be set but said it could be in a matter of months. Flowers remained jailed Wednesday without bond.

De Gruy said they are stuck in neutral in Flowers' case.

"I know it's frustrating for the Tardy, Golden, Rigby and Stewart families, and it's frustrating for the Flowers' family and for the whole county," de Gruy said.

It has cost Montgomery County roughly \$300,000 to try Flowers five times, officials there said.

Chancery Clerk Tee Golding said property taxes in the north-central Mississippi county of about 12,200 people were increased to cover the cost of the trials. The average homeowner had to pay \$5 to \$10 more a year in property taxes.



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Winona 10/01/08

Judge Declares Another Mistrial for Flowers

Posted: Oct 1, 2008 07:07 PM CDT

Updated: Oct 13, 2008 09:12 AM CDT

A mistrial has been declared in the fifth murder trial of Curtis Giovanni Flowers.

Flowers is accused of shooting four people to death inside a downtown Winona furniture store in 1996.

Jurors had been deliberating more than 10 hours when judge declared the mistrial.

It turns out that juror James Bibbs had told other jurors that he had personally witnessed evidence being planted inside the furniture store on the day of the murders.

Montgomery County Circuit Judge Joseph H. Loper, Junior ordered Bibbs jailed on perjury charges.

"You did not misunderstand," the judge said to Bibbs in court. "I can have the court reporter right now read what was said by you, so don't stand there and lie to me. Now is there any reason why you felt compelled to perjure yourself before this court last week?"

After Bibbs indicated that he had not perjured himself, Loper continued, "I'm going to let the grand jury of this county decide whether you committed perjury, because in my eyes you have committed perjury."

Flowers has now had five trials, which include three thrown out convictions and death sentences, and two mistrials.



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FILED
JUN 12 2009

LANELY G. MARTIN, CIRCUIT CLERK

BY *Lanely G. Martin*

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 Honda Hunter
 carlhoganhonda.com
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Another Mistrial in Flowers Murder Case

WINONA, Miss. (AP) - A mistrial has been declared in the fifth murder trial of Curtis Giovanni Flowers.

Montgomery County Circuit Judge Joseph H. Loper Junior declared the jury couldn't reach a decision Tuesday night.

Jurors had been deliberating more than 10 hours when the announcement was made.

Flowers is accused of shooting four people to death inside a downtown Winona furniture store in 1996.

Moments after declaring the mistrial, Loper ordered juror James Bibbs jailed on perjury charges.

According to a note that juror Jennifer Bailey sent to Loper during deliberations, Bibbs told other members of the jury he personally witnessed evidence being planted inside Tardy Furniture store on the day of the murders.

Flowers has been convicted and sentenced to death in three previous trials involving the case, but each conviction was thrown out on appeal.

A fourth trial, held in Winona in December, ended in a mistrial when the jury said it was deadlocked.

<< Back

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Another mistrial. What is there, knifekn on the jury? GUILTY!

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being delivered by first-class mail, postage prepaid, and has been sent by electronic mail to:

District Attorney Doug Evans

(email: evansda@ayrix.net).

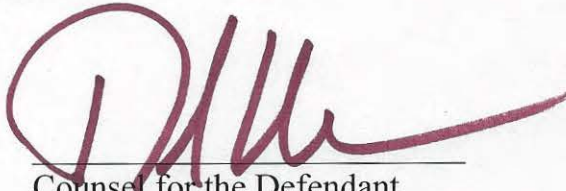
Assistant District Attorney Susan Denley

(email: sdenley5ada@hotmail.com)

P.O. Box 1262

Grenada, Mississippi, 38902-1262

This the 11th day of June, 2009.

A handwritten signature in red ink, consisting of a large, stylized 'D' followed by several loops and a long horizontal stroke.

Counsel for the Defendant



THE LAW OFFICE OF
ROBERT B. MCDUFF

ATTORNEYS:

ROBERT B. MCDUFF
SIBYL C. BYRD

767 NORTH CONGRESS STREET • JACKSON, MISSISSIPPI 39202

TELEPHONE: (601) 969-0802 • FACSIMILE: (601) 969-0804

RBM@MCDUFFLAW.COM

SCB@MCDUFFLAW.COM

June 11, 2009

Lanelle Martin, Circuit Clerk
Montgomery County Circuit Court
P.O. Box 765
Winona, MS 38967

Re: *State of Mississippi v. James Franklin Bibbs*, Cause No. 2008-0065CR

Dear Ms. Martin:

Enclosed for filing please find a Supplement to the Motion to Change venue in the above styled matter.

I have also enclosed an extra copy of the Supplement and a self-addressed, stamped envelope. Would you please stamp the extra copy "filed" and return it to me?

Thank you very much for your help with this matter. Please let me know if you have any questions or if there is anything further you need from me at this time.

Sincerely,

Robert B. McDuff

Enclosures

cc: District Attorney Doug Evans
Assistant District Attorney Susan Denley

FILED

JUN 12 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY



THE LAW OFFICE OF

ROBERT B. MCDUFF

ATTORNEYS:

ROBERT B. MCDUFF
SIBYL C. BYRD

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SCB@MCDUFFLAW.COM

June 15, 2009

Lanelle Martin, Circuit Clerk
Montgomery County Circuit Court
P.O. Box 765
Winona, MS 38967

Re: *State of Mississippi v. James Franklin Bibbs*, Cause No. 2008-0065CR

Dear Ms. Martin:

Enclosed for filing please find a Second Supplement to the Motion to Dismiss and the Motion to Recuse the District Attorney's Office in the above styled matter.

I have also enclosed an extra copy of the Supplement and a self-addressed, stamped envelope. Would you please stamp the extra copy "filed" and return it to me?

Thank you very much for your help with this matter. Please let me know if you have any questions or if there is anything further you need from me at this time.

Sincerely,

Robert B. McDuff

Enclosures

cc: District Attorney Doug Evans
Assistant District Attorney Susan Denley

FILED
JUN 16 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

**SECOND SUPPLEMENT TO THE MOTION TO DISMISS AND
THE MOTION TO RECUSE THE DISTRICT ATTORNEY'S OFFICE**

One of the grounds for the motion to dismiss is that the indictment was obtained by a District Attorney's office that has a personal stake in the outcome. In the opinion in *Young v. United States ex rel. Vuitton Et Fils S.A.*, 481 U.S. 787 (1987), the United States Supreme Court said:

An error is fundamental if it undermines confidence in the integrity of the criminal proceeding. The appointment of an interested prosecutor raises such doubts. Prosecution by someone with conflicting loyalties "calls into question the objectivity of those charged with bringing a defendant to judgment." *It is a fundamental premise of our society that the state wield its formidable criminal enforcement powers in a rigorously disinterested fashion, for liberty itself may be at stake in such matters. We have always been sensitive to the possibility that important actors in the criminal justice system may be influenced by factors that threaten to compromise the performance of their duty. . . .*

. . . . Once we have drawn [the] conclusion [that a conflict exists], . . . we have deemed the prosecutor subject to influences that undermine confidence that a prosecution can be conducted in disinterested fashion. If this is the case, *we cannot have confidence in a proceeding in which this officer plays the critical role of preparing and presenting the case for the defendant's guilt.*

Furthermore, appointment of *an interested prosecutor creates an appearance of impropriety that diminishes faith in the fairness of the criminal justice system in general.*

Id. at 810-811 (emphasis added, citations omitted).

FILED

JUN 16 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY *Lanelle G. Martin*

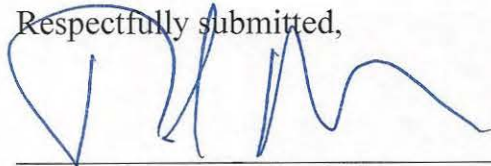
Similarly, as stated in *New Jersey v. Imperiale*, 773 F.Supp. 747 (D.N.J. 1991):

The absence of an impartial and disinterested prosecutor has been held to violate a criminal defendant's due process right to a fundamentally fair trial. Ganger v. Peyton, 379 F.2d 709, 714 (4th Cir.1967) (conviction violated fundamental fairness assured by due process clause when part-time Commonwealth Attorney suffered impermissible conflict of interest by prosecuting defendant for criminal assault while simultaneously representing defendant's wife in divorce action).

The question of what constitutes an "impartial" prosecutor demands clarification. A prosecutor is not "partial" simply because she zealously seeks conviction. *Rather, "partiality" in this context is similar to a conflict of interest in the sense that the prosecutor has a personal interest or stake in the outcome of the criminal prosecution.*

Id. at 750 (emphasis added).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'R. McDuff', with a stylized, flowing design.

ROBERT B. McDUFF, Miss. Bar No. 2532
SIBYL C. BYRD, Miss. Bar No. 100601
767 North Congress Street
Jackson, Mississippi 39202
(601) 969-0802

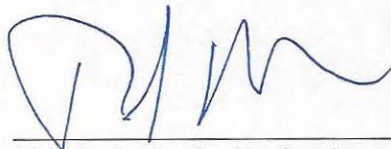
Counsel for the Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being delivered by fax and by first-class mail, postage prepaid, to:

District Attorney Doug Evans
Assistant District Attorney Susan Denley
P.O. Box 1262
Grenada, Mississippi 38902-1262

This the 15th day of June, 2009.



Counsel for the Defendant



THE LAW OFFICE OF

ROBERT B. MCDUFF

ATTORNEYS:

ROBERT B. MCDUFF

SIBYL C. BYRD

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June 25, 2009

Via Federal Express

Lanelle Martin, Circuit Clerk
Montgomery County Circuit Court
P.O. Box 765
Winona, MS 38967

Re: *State of Mississippi v. James Franklin Bibbs*, Cause No. 2008-0065CR

Dear Ms. Martin:

Enclosed please find five (5) blank subpoenas in the above-styled criminal matter. Would you please stamp and sign the subpoenas and return them to our office in the self-addressed stamped envelope?

Thank you very much for your help with this matter. Please let me know if you have any questions or if there is anything further you need from me at this time.

Sincerely,

Sibyl C. Byrd

Enclosures

FILED

JUN 26 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY *Lanelle G. Martin*

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause Number: 2008-0065CR

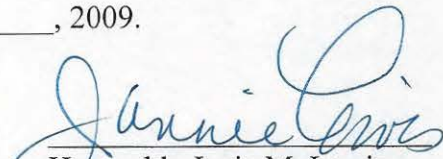
JAMES FRANKLIN BIBBS

ORDER OF THE COURT

This matter having come before this Court for hearing on the Defendant's Motion to Dismiss and Quash the Indictment and Demurrer, and the parties being present and represented by counsel and the Court being fully advised in the premises does hereby find the Defendant's Motion is not well taken and should be denied.

IT THEREFORE ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss and Quash the Indictment and Demurrer is denied.

SO ORDERED this the 18 day of June, 2009.


Honorable Janie M. Lewis
Circuit Judge

FILED

JUN 22 2009

LANELLE G. MARTIN, CIRCUIT CLERK
BY Vanessa Whitehead D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

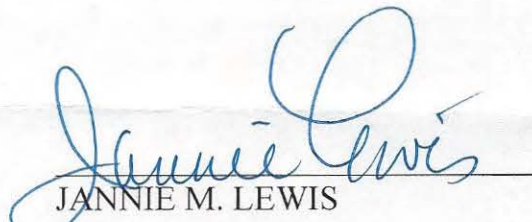
Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

ORDER

The motion to recuse the office of the District Attorney for the Fifth Judicial District came on for hearing on June 16, 2009. The District Attorney stated that he did not oppose the motion. An attorney from the Office of the Attorney General was present and stated that his office was available for appointment to the case. Accordingly, the office of the District Attorney for the Fifth Judicial District is recused from this case and the office of the Attorney General of Mississippi is appointed in place of the District Attorney.

This 22 day of June, 2009.


JANNIE M. LEWIS
Circuit Court Judge
Sitting by Designation

FILED

JUN 24 2009

LAVELLE G. MARTIN, CIRCUIT CLERK

BY  D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.


Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

ORDER

The defense filed a motion to change venue to a county outside the Fifth Circuit Court District. At a hearing on June 16, 2009, the motion was granted without opposition. The parties are each submitting three proposed counties to the Court. The Court will consider those recommendations and issue an order in due course regarding the county in which the trial will be held.

This 22 day of June, 2009.


JANNIE M. LEWIS
Circuit Court Judge
Sitting by Designation

FILED

JUN 24 2009

LANELLE G. MARTIN, CIRCUIT CLERK
BY  D.C.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. 2008-0065CR

JAMES FRANKLIN BIBBS

DEFENDANT

ORDER

This matter came on to be heard on the Defendant's Motion for Change of Venue from Montgomery County Circuit Court with no objections from the State of Mississippi. The Court after considering this matter finds that venue shall be changed to Yazoo County, Mississippi. This case is scheduled for trial on July 28, 2009 at 9:00 a. m. at the Yazoo County Circuit Court. The Circuit Clerk of Yazoo County shall summons 300 citizens of Yazoo County to serve as potential jurors in this matter.

Further, the Circuit Clerk of Yazoo County shall prepare a cost bill for the trial of this case in Yazoo County and submit the same to the Circuit Court of Montgomery County for reimbursement at the conclusion of this trial. The Circuit Clerk of Montgomery County shall carry out her duties in Yazoo County at the trial of this matter.

Further, the Circuit Clerk of Montgomery County is ordered to mail a copy of this order to the Circuit Clerk of Yazoo County, the Office of the Attorney General, and the Defense Attorney.

ORDERED this the 22 day of June, 2009.


CIRCUIT JUDGE

FILED

JUN 24 2009

MONTGOMERY CO. CIRCUIT COURT MINUTE BK 44 PG 16

LAVELLE G. MARTIN, CIRCUIT CLERK
BY  D.C.



THE LAW OFFICE OF
ROBERT B. MCDUFF

ATTORNEYS:

ROBERT B. MCDUFF
SIBYL C. BYRD

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RBM@MCDUFFLAW.COM
SCB@MCDUFFLAW.COM

July 17, 2009

Via Federal Express

Lanelle Martin, Circuit Clerk
Montgomery County Circuit Court
P.O. Box 765
Winona, MS 38967

Re: *State of Mississippi v. James Franklin Bibbs*, Cause No. 2008-0065CR

Dear Ms. Martin:

Enclosed please find ten (10) blank subpoenas in the above-styled criminal matter. Would you please stamp and sign the subpoenas and return them to our office in the self-addressed stamped envelope?

Thank you very much for your help with this matter. Please let me know if you have any questions or if there is anything further you need from me at this time.

Sincerely,

Sibyl C. Byrd

Enclosures

FILED
JUL 20 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

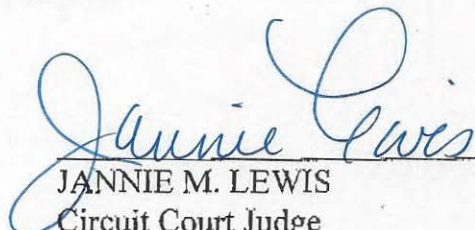
Cause No. 2008-0065CR

JAMES FRANKLIN BIBBS

ORDER

Upon joint request of both parties, the July 28 trial date is hereby continued to a date to be set by the Court in due course

So ordered, this 28 day of July, 2009.


JANNIE M. LEWIS
Circuit Court Judge
Sitting by Designation

FILED

JUL 29 2009

LANE G. MARTIN, CIRCUIT CLERK
BY Nanessa Whithead D.C.

MONTGOMERY CO. CIRCUIT COURT MINUTE BK uu PG 123

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause Number: 2008-0065CR

JAMES FRANKLIN BIBBS

MOTION TO DISMISS WITHOUT PREJUDICE

COMES NOW, the State of Mississippi by and through the Office of the Attorney General and files this Motion to Dismiss Without Prejudice and in support thereof would show this Court the following, to wit:

1.

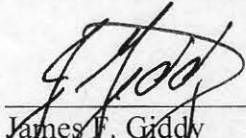
That the State does not have sufficient evidence to obtain a conviction for the charges as set out in the indictment.

2.

That the best interests of justice would require that the indictment be dismissed.


WHEREFORE, premises considered, the State respectfully requests that this motion be granted and an order issued pursuant to this motion.

Respectfully submitted,


James F. Giddy
Special Assistant Attorney General

FILED

OCT 06 2009

LANELLE G. MARTIN, CIRCUIT CLERK
BY  n.c.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause Number: 2008-0065CR

JAMES FRANKLIN BIBBS

ORDER OF DISMISSAL

This matter having come before this Court for hearing on the State's Motion to Dismiss, and the Court being fully advised in the premises does hereby find as follows, to wit:

1.

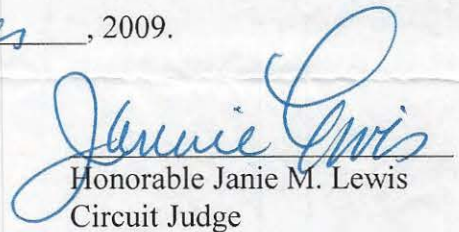
The State of Mississippi does not have sufficient evidence to obtain a conviction.

2.

The best interests of justice would require that the indictment be dismissed.

IT THEREFORE ORDERED AND ADJUDGED that the indictment should be and hereby is dismissed without prejudice.

SO ORDERED this the 1st day of October, 2009.


Honorable Janie M. Lewis
Circuit Judge

FILED
OCT 06 2009

MONTGOMERY CO. CIRCUIT COURT MINUTE BK 44 PG 261

LANELLE G. MARTIN, CIRCUIT CLERK
BY Vanessa Whitehead p.c.

STATE OF MISSISSIPPI
NOTICE OF CRIMINAL DISPOSITION

MONTGOMERY County Circuit Court

Docket No. 2008-0065CR

File Year Sequence # or the entire "old" docket number [if opened prior to 7/1/98]

Local ID

(Enter your local identifier, if any)

A. DEFENDANT INFORMATION

Name BIBBS JAMES FRANKLIN M BLACK
Last First Middle/Maiden Suffix Jr/Sr/III Sex: M/F Race: Blk / Whit / Amerind / Asian or Pacific
Street Address [REDACTED] A Post Office Box is Not a Valid Street Address
City WINONA State MS Zip Code 38967
SS# [REDACTED] DOB 06-15-1942 POB [REDACTED] If Place of Birth is outside USA, include Country of Birth
Alias N/A Last First Middle/Maiden Suffix SS# DOB
FBI# [REDACTED] Immigration/Alien Registration# A-

B. COURT INFORMATION

~~Sentence~~ ORDER OF DISMISSAL Date of
Date (Order) OCTOBER 1, 2009 Check (✓) one: Initial Judgment Revocation Re-Trial Indictment: 10/6/88
Judge JANIE M LEWIS DA/ADA JAMES F GIDDY, SPECIAL AGS
Judge signing order - Name or Bar No. District Attorney/Asst. DA - Name or Bar No.
Attorney for Defendant ROBERT B MCDUFF Check (✓) if Pro Hac Visi Check (✓) if Court-Appointed
Enter Name or Bar No.

C. SENTENCE INFORMATION

Is Defendant classified as Habitual? No Yes If Yes, Check (✓) Applicable Habitual Statute §99-19-81 §99-19-83

▼ COUNT 1 ▼

Event: Action: Disposition
Miss. Code § Description of Crime If Drug, or Paraphernalia Identify Here
Total Sentence Ordered: Years Months Days Total Time to Serve: Years Months Days Total Time Suspended: Years Months Days Total Time to Serve Probation: Years Months Days Life Death
Concurrent to

Consecutive to

Conditions of Sentence: Restitution to: Amount:

▼ COUNT 2 ▼

Event: Action: Disposition
Miss. Code § Description of Crime If Drug, or Paraphernalia Identify Here
Total Sentence Ordered: Years Months Days Total Time to Serve: Years Months Days Total Time Suspended: Years Months Days Total Time to Serve Probation: Years Months Days Life Death
Concurrent to

Consecutive to

Conditions of Sentence: Restitution to: Amount:

▼ COUNT 3 ▼

Event: Action: Disposition
Miss. Code § Description of Crime If Drug, or Paraphernalia Identify Here
Total Sentence Ordered: Years Months Days Total Time to Serve: Years Months Days Total Time Suspended: Years Months Days Total Time to Serve Probation: Years Months Days Life Death
Concurrent to

Consecutive to

Conditions of Sentence: Restitution to: Amount:

If Docket Number is Reporting more than Three (3) Counts, use "Additional Count Information Sheet"

FILED
OCT 07 2009
JANELLE G. MARTIN, CIRCUIT CLERK
BY Amessa Whitehead

STATE OF MISSISSIPPI
NOTICE OF CRIMINAL DISPOSITION

ARREST - INCARCERATION - BOND

MONTGOMERY County Circuit Court

Docket No. 2008-0065CR

File Year

Sequence #

Local ID

(or entire "old" docket number [if opened prior to 7/1/98])

Defendant JAMES FRANKLIN BIBBS

Defendant's name required to insure this side/page of form corresponds to front side/first page

D. Offense Information

▼ COUNT 1 ▼

Arrest Date _____ Agency _____ Arresting _____ Felony (✓) _____ Misdemeanor (✓) _____
Miss. Code § _____ Description of Crime _____ Arrest Tracking# _____
Number on Arrest Form _____

▼ COUNT 2 ▼

Arrest Date _____ Arresting Agency _____ Felony (✓) _____ Misdemeanor (✓) _____
Miss. Code § _____ Description of Crime _____ Arrest Tracking# _____
Number on Arrest Form _____

▼ COUNT 3 ▼

Arrest Date _____ Arresting Agency _____ Felony (✓) _____ Misdemeanor (✓) _____
Miss. Code § _____ Description of Crime _____ Arrest Tracking# _____
Number on Arrest Form _____

E. INCARCERATION INFORMATION

Defendant Currently Incarcerated? Yes _____ No _____

Date(s) of Incarceration for this/these charge(s) only:
(order from current/most recent admittance)

Admitted _____	Released _____	Facility where Incarcerated _____
Admitted _____	Released _____	Facility where Incarcerated _____
Admitted _____	Released _____	Facility where Incarcerated _____
Admitted _____	Released _____	Facility where Incarcerated _____

F. BOND INFORMATION

Is Defendant Currently Bonded Out? Yes _____ No _____

Date(s) Bonded for this/these charge(s) only:
(order from current/most recent bond activity)

Bonded _____	Surrendered _____	Bonding Agency _____
Bonded _____	Surrendered _____	Bonding Agency _____
Bonded _____	Surrendered _____	Bonding Agency _____

G. COSTS AND FEES (Include restitution fees with count information)

Court Costs: \$ _____	Fine: \$ _____	Indigent Fee: \$ _____	Crime Lab: \$ _____
Victim Fee: \$ _____	Bond Fee: \$ _____	Sheriff Fee: \$ _____	State Assessment: \$ _____
Other Costs/Fees: Type Cost/Fee _____ \$ _____		Type Cost/Fee _____ \$ _____	

INDICTMENT

THE STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 2008-0065 CR

JAMES FRANKLIN BIBBS

INDICTMENT FOR THE OFFENSE OF:
PERJURY, 2 COUNTS MCA § 97-9-59

THE STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY

FILED

OCT 08 2008

LANELLE G. MARTIN, CIRCUIT CLERK

BY [Signature]

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 2008
Grand Jury Sworn and Empaneled October 6, 2008

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county and state, elected, summoned, empaneled, sworn and charged to inquire in and for the county aforesaid, at the term aforesaid, of the court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that:

COUNT I

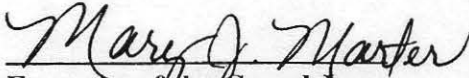
On or about or between September 22, 2008 and September 23, 2008, in Montgomery County, Mississippi, and within the jurisdiction of this Court, did wilfully, unlawfully, feloniously and corruptly swear, testify, or affirm falsely to a material matter while under oath, affirmation or declaration legally administered, by providing false answers to the Court to a material matter during the voir dire phase of the capital murder trial of the case of State of Mississippi Versus Curtis Giovanni Flowers, Montgomery County Cause Number 2003-0071-CR, in the Circuit Court of Montgomery County, Winona, Mississippi, by stating that he had no knowledge of the case other than knowledge he obtained through the news media when the truth is he had first-hand knowledge of the crime scene and/or the investigation, constituting a related series of acts or transactions or a common scheme or plan, in violation of Section 97-9-59 of the Mississippi Code Annotated of 1972, as amended, and against the peace and dignity of the State of Mississippi; and

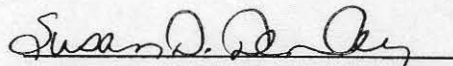
COUNT II

On or about or between September 22, 2008 and September 23, 2008, in Montgomery County, Mississippi, and within the jurisdiction of this Court, did wilfully, unlawfully, feloniously and corruptly swear, testify, or affirm falsely to a material matter while under oath, affirmation or declaration legally administered, by providing false answers to the Court to a material matter

during the voir dire phase of the capital murder trial of the case of State of Mississippi Versus Curtis Giovanni Flowers, Montgomery County Cause Number 2003-0071-CR, in the Circuit Court of Montgomery County, Winona, Mississippi, by stating that he did not have a pre-conceived opinion about the case when the truth is he did infact have a pre-conceived opinion about the case, constituting a related series of acts or transactions or a common scheme or plan, in violation of Section 97-9-59 if the Mississippi Code Annotated of 1972, as amended, and against the peace and dignity of the State of Mississippi.

Endorsed: A TRUE BILL


Foreman of the Grand Jury


Assistant District Attorney

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

Cause Number: 2008-0065CR

JAMES FRANKLIN BIBBS

ORDER OF DISMISSAL

This matter having come before this Court for hearing on the State's Motion to Dismiss, and the Court being fully advised in the premises does hereby find as follows, to wit:

1.

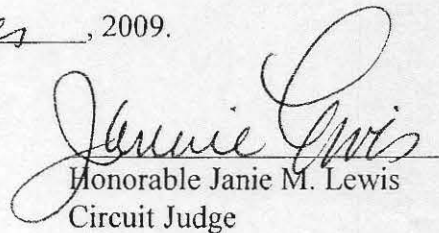
The State of Mississippi does not have sufficient evidence to obtain a conviction.

2.

The best interests of justice would require that the indictment be dismissed.

IT THEREFORE ORDERED AND ADJUDGED that the indictment should be and hereby is dismissed without prejudice.

SO ORDERED this the 1st day of October, 2009.


Honorable Janie M. Lewis
Circuit Judge

FILED

OCT 06 2009

LANELLE G. MARTIN, CIRCUIT CLERK
BY Vanessa Whitehead, c.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI
STATE OF MISSISSIPPI

vs.

Case No. 2008-0065CR

JAMES FRANKLIN BIBBS

SUPPLEMENT TO THE MOTION TO DISMISS AND THE
MOTION TO RECUSE THE DISTRICT ATTORNEY'S OFFICE

EXHIBITS FILED UNDER SEAL

Ex B - K

FILED

JUN 05 2009

LANELLE G. MARTIN, CIRCUIT CLERK

BY

Lanelle G. Martin